COMMENT LETTERS

COMMENT LETTER # A01

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

June 30, 2017

Melinda Marks
San Joaquin River Conservancy
5469 East Olive Avenue
Fresno, CA 93727

Subject: San Joaquin River Parkway Master Plan Update
SCH#: 2013061035

Dear Melinda Marks:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 29, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A01-01

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2013061035
Project Title San Joaquin River Parkway Master Plan Update
Lead Agency San Joaquin River Conservancy

Type EIR Draft EIR

Description Note: Extended Per Lead

The Master Plan Update, a programmatic document, is a long-term, large-scale plan that would be implemented incrementally and in phases over many years. The proposed Master Plan Update presents conceptual Parkway development projects, and goals and policies under which the development would be pursued and implemented. The development of individual projects would be evaluated separately by the Conservancy or other appropriate lead agencies subject to separate site-specific CEQA analysis.

Lead Agency Contact

Name Melinda Marks
Agency San Joaquin River Conservancy
Phone (559) 253-7324 **Fax**
email
Address 5469 East Olive Avenue
City Fresno **State** CA **Zip** 93727

Project Location

County Fresno, Madera
City Fresno
Region
Lat / Long
Cross Streets San Joaquin River - Friant Dam to Hwy 99
Parcel No. Several
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 99 & 41
Airports Arnold Ranch, Sierra Sky Park
Railways
Waterways San Joaquin River
Schools
Land Use varies

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues; Schools/Universities; Population/Housing Balance; Toxic/Hazardous; Forest Land/Fire Hazard

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Conservation; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 6; State Water Resources Control Board, Divison of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Fresno); Delta Protection Commission; Delta Stewardship Council; Native American Heritage Commission; State Lands Commission

Date Received 05/01/2017 **Start of Review** 05/01/2017 **End of Review** 06/29/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

LUEA K
6-29-17
C

STATE OF CALIFORNIA — EDMUND G. BROWN JR., *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 *Fax* (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: **(916) 574-1890**
Contact FAX: **(916) 574-1885**

Established in 1938

June 29, 2017

File Ref: SCH # 2013061035

Melinda Marks
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727

Subject: San Joaquin River Parkway Master Plan Update and Draft Environmental Impact Report, Fresno and Madera Counties

Dear Ms. Marks:

The California State Lands Commission (Commission) staff has reviewed the San Joaquin River Parkway Master Plan Update (MPU) and Draft Environmental Impact Report (EIR), which is being prepared by the San Joaquin River Conservancy (Conservancy). The Conservancy, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency in its review of the MPU, but may also be a responsible agency for future projects considered under the MPU that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, such as the San Joaquin River, the state holds fee ownership of the bed of the waterway landward to the

ordinary low-water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections.

Commission staff has determined that portions of future MPU activities may be located on State-owned sovereign land under the Commission's jurisdiction. Please be advised that any future project improvements or activities located waterward of the low-water mark of the San Joaquin River, as depicted on sheets 1 through 17 of the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps, will encroach on sovereign land and will require a lease from the Commission. When future projects are proposed, please submit a detailed project description with more site-specific information to allow staff to determine the extent of the Commission's interest and which components of the project, if any, will require a lease prior to project implementation on sovereign land. Please contact Randy Collins, Public Land Management Specialist (see contact information below) for further information about the extent of the Commission's sovereign ownership and leasing requirements.

Even if future project activities are not subject to a lease from the Commission, the areas between the low- and high-water marks of the San Joaquin River are subject to a Public Trust easement. This easement provides the public with a property right that includes, but is not limited to, access for navigation, fishing, water-related recreation, open space, and ecological preservation uses. Future activities undertaken by the Conservancy must take into consideration and balance these public easement rights.

These comments are made without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information become available, and are not intended, nor should they be construed as a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

MPU Description

The San Joaquin River Parkway (Parkway) is a 22-mile-long regional, natural recreation area, primarily in the river's floodplain extending from Friant Dam to Highway 99. The Conservancy is proposing to update the existing Interim Master Plan, which the Conservancy adopted in December 1997. The 1997 Plan is being updated to reflect the following:

- Regulatory changes
- The San Joaquin River Restoration Program
- Practices, programs, directives, initiatives, and partnerships that have been developed over the years
- Lands acquired by the Conservancy
- Site-specific adopted and conceptual plans
- Addition of new goals, policies, and mitigation measures to address new changes, and to assist with the continued implementation of the Parkway

The MPU will serve as the document to guide future improvements to the Parkway, incrementally and in phases over many years. As such, the MPU includes goals, policies, and conceptual improvement projects. Future projects under the MPU will be subject to further CEQA review as necessary on a site-specific basis. Some of the key components of the MPU include, but are not limited to:

- Acquisition of a total of 5,900 acres of public open space and conservation lands
- Revegetation, restoration, and enhancement of Parkway habitats
- Development, operation, and maintenance of a 23-mile paved multiple-use Parkway trail
- Rehabilitation, maintenance, and new construction of permanent, temporary, and seasonal bridges and crossings (including weirs, fords, culverts, pedestrian decks on vehicle bridges, and other types of crossings)
- Development, operation, and maintenance of a river trail and support facilities for non-motorized boating
- Development, operation, and maintenance of ancillary infrastructure to support public access and low impact recreational uses, including but not limited to: gates, fences, entrances, access roads, trailheads, parking, staging areas, restrooms, kiosks, equestrian trail riding, non-motorized boating and paddling, bicycling, vista points, observation decks, fishing piers and docks, Americans with Disabilities Act and universal access accommodations

Environmental Review

The Draft EIR analyzes the MPU as the proposed Project, including a No Project Alternative, and an Increased Natural Reserves Alternative. Under the Increased Natural Reserves Alternative, the proposed Project would continue to be implemented; however, the focus would shift to increasing natural reserves through land acquisitions, and not enhance or increase the existing network of multi-use trails. As such, fewer recreation and education facilities and trail enhancements would occur, thereby reducing visitation and further opportunities for low-impact recreation compared to the proposed Project. This alternative would not meet many of the fundamental objectives for the San Joaquin River, nor fulfill the statutory mission of the Conservancy.

Commission staff requests that the Conservancy consider the following comments on the MPU and Draft EIR.

General Comments

1. In Section 2.8 of Chapter 2 of the MPU, please add the following definition for Public Trust Lands:

   The area of the San Joaquin River waterward of the ordinary high-water mark, as represented on the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps. This includes the Public Trust easement that is reserved to

the people of California, between the ordinary high-water mark and the ordinary low-water mark.

2. In Chapter 9, Plan Preparation of the MPU, please replace Michael McKown with Jennifer Lucchesi as the Commission's representative on the Conservancy Board.

Biological Resources

3. Aquatic Invasive Species (AIS): The San Joaquin River is listed under Clean Water Act section 303(d), as impaired for invasive species within the Parkway. Under this impairment, the river cannot assimilate or accommodate additional AIS, and any increase in such species would contribute to the impairment (River West Fresno, Eaton Trail Extension Project Draft EIR 2017). Given the MPU's future vision for enhanced boating access (e.g., the MPU identifies existing boat launching facilities, and promotes opportunities for future facilities to support boating access throughout the Parkway), Commission staff encourages the Conservancy to encourage participation with existing programs and management techniques to control and prevent introductions of AIS associated with motorized and non-motorized watercraft.

   For example, within Chapter 6, Goals and Policies of the MPU, Environmental Education, Interpretation, and Outreach, the Conservancy could develop a policy that promotes public education on the spread and introduction of AIS. The policy could supplement Policies 5 and 6 for Habitat Conservation and Management, to control, remove, and prevent introductions of AIS. Other measures could include introduction of AIS clean, drain, and dry practices for watercraft, and signage at parking lot and staging areas for boating facilities that identify existing non-native AIS and promote practices to prevent the spread of such species.

   Commission staff encourages the EIR to analyze this potential impact for AIS and include the above recommendations as mitigation measures. The California Department of Fish and Wildlife's Invasive Species Program could assist with this analysis, as well as with the development of appropriate mitigation (information at www.dfg.ca.gov/invasives/).

Cultural Resources

4. Title to Resources: Within the Cultural Resources section of the Draft EIR, under State Laws and Regulations, please insert the following language:

   The title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the submerged lands of California are vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the Commission must be approved by the Commission.

Land Use

5. Boundaries of Public Trust Lands: Chapter 8 of the MPU, Subsection 8.2.1, Recreation Areas, discusses some areas of the river being adjacent to private lands, and the siting of non-motorized boating facilities in locations to avoid trespass on private lands. Chapter 8 also explains that trespass onto private lands adjacent to the river and parkway is an identified concern for private land owners. The MPU should include public education measures regarding the public's rights and responsibilities for accessing Public Trust lands in the Public Trust easement. Such public outreach would inform the public on how the boundaries of Public Trust lands are determined and identified, and what rights the public has relating to these lands and accessing the river. The MPU should also include reference to the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps as a resource for the public (see Item 1 above for the requested Public Trust Lands definition, and the Jurisdiction section for Commission jurisdiction over navigable, non-tidal waterways and the Public Trust easement).

6. Land Use Planning, Operations, Maintenance, and Funding: Appendix B of the MPU, Operations and Maintenance Funding Toolbox, explores the feasibility of various funding mechanisms to support Parkway operations and maintenance. Some proposed funding sources include:

   - Establishment of local jurisdiction general fund appropriations to provide Parkway services
   - Establishment of County Service Areas within the Parkway
   - Establishment of Community Service Districts within the Parkway
   - Development and implementation of developer impact fees by local jurisdiction planning agencies
   - Special events, such as concerts, water oriented recreation events and competitions, festivals, etc.

   Chapter 8 of the MPU, Implementation, explains that Appendix B was prepared as part of the MPU process, to provide an analysis of options for funding ongoing operations and maintenance. However, most of the above proposals would require discretionary approval by local jurisdictions, and some would be subject to a public voting process. Although Draft EIR Section 4.10, Land Use Planning, explains that many of the existing Master Plan policies have been adopted in whole or in part by the three local land use agencies: the County of Fresno, County of Madera, and City of Fresno, this section does not appear to analyze these funding proposals, or acknowledge that local jurisdictions would need to take separate discretionary action to implement these proposals, or include special events as part of the consistency analysis with local jurisdiction zoning ordinances and general plan land use designations. Chapter 8 and Appendix B of the MPU, and the Land Use Planning section of the Draft EIR would benefit with more background discussion on how the above funding proposals relate to the Draft EIR analysis.

Recreation and Public Access

7. Public Access: The San Joaquin River Conservancy Act (SJRCA) set a target of 5,900 acres of land to be acquired to develop the Parkway. When the Conservancy was created, it was determined at that time that 1,250 acres were already in public ownership and protection. The Conservancy has acquired over half of the remaining 4,650 acres to date, leaving a little over 2,000 acres to be acquired. Acquiring lands to complete the 5,900-acre Parkway is the highest program priority, driven by development threats, real estate values, and the momentum of concurrent negotiations. In accordance with the SJRCA, lands acquired by the Conservancy shall remain closed to public access, and planned public access projects will not be constructed until and unless adequate operations and management resources are available (Pub. Resources Code, § 32511). The SJRCA also mandates that development of the Parkway shall first protect natural resources, including habitat, wildlife, and flood conveyance, and that public access shall only be provided to the extent it is compatible with protection of the resources. Currently, there are limited opportunities for the public to access acquired lands for recreation and education purposes and, as explained in Chapter 8 of the MPU, Implementation, there is a need and demand for improved public access within the Parkway.

   Chapter 8 of the MPU proposes more intensively developed hubs of Parkway recreation facilities near and adjacent to existing recreation facilities, located at Lost Lake Park, the Coke Hallowell River Center, Woodward Park, the crossing at Highway 41, and near Highway 99. Impacts of more intensive recreation will be reduced by improving and expanding these existing facilities, rather than accommodating them at new locations along the river. In the interest of developing public access facilities at new locations along the river, Commission staff encourages the Conservancy to proactively pursue opportunities to impose legal mandates for providing public access; see Item 10 below.

   Given the limitations to public access as explained above, Commission staff discourages new funding sources for operations and maintenance identified in Appendix B of the MPU, that would reduce or eliminate public access and recreation. The San Joaquin River Partnership may also be a potential funding source for consideration with Appendix B, to assist with development of riverside support facilities to implement the San Joaquin River Water Trail within the Parkway; see Item 8 below.

   The Increased Natural Reserves Alternative also appears to prioritize natural resource protection, with no objective to enhance public access and recreation facilities. This alternative would also not seem to implement local jurisdiction general plan policies for enhanced recreation facilities and open space along the river, or be consistent with other existing master plan goals and policies. Therefore, Commission staff does not support this alternative.

   In summary, there appear to be numerous limitations for increasing public access to Parkway lands. Although the Conservancy may be required to close external public access for acquired Parkway lands that do not have adequate operations and

management resources available, the riverbed is also public land, unencumbered by the public access limitations of the SJRCA and MPU, and will continue to be open to public use. The Public Trust easement also allows for lateral public access along the river below the ordinary high-water mark. This leaves potential for the river to serve as an internal entryway into Parkway lands, regardless of whether external access to these lands is open or closed to the public. As such, for acquired Parkway lands currently closed to external public access, Commission staff encourages MPU policies to have some allowance for development of basic riverside support facilities for non-motorized boating (i.e., trash cans, restrooms, rest areas, etc.). Boating use of the river should be managed equally and in balance with the goals and policies of the MPU for natural resource conservation, and in consideration of private property adjacent to the Parkway. This would also help implement the goals and objectives of the San Joaquin River Water Trail; see Item 8 below.

8. San Joaquin River Water Trail (SJRWT): The San Joaquin River is the second longest river in California, making it essential to the economic well-being and quality of life for San Joaquin Valley residents. The SJRWT is a component of the San Joaquin River Blueway (Blueway) Program, sponsored by the San Joaquin River Partnership. The Blueway is a mosaic of parks, wildlife refuges, and other publicly accessible places that provide the public an opportunity to explore and enjoy the San Joaquin River from its headwaters to the Delta. A major goal of the Blueway is to work with agencies and other partners to facilitate implementation of the Blueway through ongoing local, regional, and state planning efforts and policy development, and through San Joaquin River Restoration Program projects, as appropriate to improve access to the river in the near term (www.sanjoaquinriverpartnership.org). The SJRWT is envisioned to link existing and future sites that provide public access, such as existing sites located near Fresno along the Parkway.

   Chapter 5, Figure 5-11, of the MPU identifies future projects that may occur within the Parkway, which includes development of a river boating trail (a segment of the conceptual Blueway) for non-motorized watercraft. The river trail would consist of interspersed boat launch and takeout areas with boat trailer parking, hand-carried boat launch and take-out areas, canoe docks, rest stops with picnic tables and restrooms, and boating facilities on internal ponds. The Commission supports inclusion of the boat trail as a planning effort contemplated with the MPU. However, rather than labeling this effort as part of a proposed boat trail, a stronger alliance could be made by directly identifying this effort as implementation of the SJRWT. The River West Fresno, Eaton Trail Extension Project is an important planning effort within the Parkway, to further accommodate SJRWT goals; see Item 9 below.

9. River West Fresno, Eaton Trail Extension Project: Alternatives 1 and 5 of the Eaton Trail Extension Project propose many of the facilities that are needed to support the SJRWT within the Parkway, including roadway access and parking, restroom, and trash containers in close proximity to the river, and other park facilities to support boating use of the river. As explained in the Commission's April 17, 2017, comment letter on the Eaton Trail Extension Project, the Commission staff supports Alternative 1 in combination with sub-alternative 5e, as the optimum project proposal for boating

access to the river and to maximize the siting of these facilities on state land. It also serves as an important project to provide new public access facilities, such as road and parking access to the Parkway.

10. California Statutes for Public Access: The MPU proposes rehabilitation and development of new bridges across the river. Figure 3-14 of the Draft EIR identifies 14 potential Parkway river crossings. For bridge construction projects over navigable rivers, California Streets and Highways Code sections 84.5, 991, and 1809 requires city and county governments, and the California Department of Transportation to prepare a report on the feasibility of providing public access to the river, and a determination on whether such access shall be provided. The Conservancy is encouraged to closely monitor construction projects for existing and new bridges within the Parkway, to enhance public access through conformance with Streets and Highways Code requirements for public access.

    Sections 66478.1 and 66478.4 through 66478.8 of the California Subdivision Map Act require provisions for local agencies to provide reasonable public access to a public waterway, river, or stream prior to approving a tentative or final map of any proposed subdivision to be fronted upon such a waterway. The Conservancy is encouraged to closely monitor property subdivision proposals adjacent to the Parkway for conformance with these sections of the Subdivision Map Act. The Conservancy is also encouraged to closely monitor other development projects adjacent to and within the Parkway, for potential impacts on public access and recreation facilities within the Parkway, for example, by identifying fair arguments pursuant to CEQA to require improvements to existing recreation facilities or new facilities as mitigation for such impacts.

Transportation/Parking

11. Chapter 6 of the MPU identifies the following goal and policy for the Public Access and Recreation section:

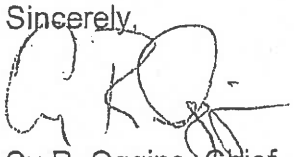
    Goal: Provide river access and high quality recreation areas and facilities to meet recreational and environmental educational needs while conserving natural and cultural resources.

    ACCESS.19: Provide sufficient on-site parking at each public recreational facility for the desired usage level during peak periods and to meet the parking recommendations of the affected local jurisdiction.

    Parking facilities and staging areas intended to support non-motorized boating access to the river must be sited relatively close to the river. The Draft EIR for the River West Fresno, Eaton Trail Extension project proposed only one alternative (Alternative 5 and more specifically sub-alternative 5e) that provided parking facilities close to the river. In support of the above goal and policy and to ensure appropriate siting of boating access facilities, Commission staff encourages development of an MPU policy that acknowledges the need to locate boating access support facilities within reasonably close proximity to the river, and in balance with other policies for resource protection or that prohibit development near the river.

Thank you for the opportunity to comment on the MPU and Draft EIR. As a trustee agency, Commission staff requests that you consider our comments prior to certification of the Final EIR. Please provide a copy of the Final EIR, Mitigation Monitoring and Reporting Program, and public hearing notice for consideration of the MPU and EIR certification by the Conservancy Board when they become available. Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via e-mail at Jason.Ramos@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Randy Collins, Public Land Management Specialist, at (916) 574-0900 or via e-mail at Randy.Collins@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Lucchesi, Commission
S. Haaf, Commission
R. Collins, Commission
J. Ramos, Commission

COMMENT LETTER # A02

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Capturing stormwater since 1956.

File 310. Various
550.30 Various
720.101

June 19, 2017

Ms. Melinda Marks, Executive Officer
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727

Dear Ms. Marks,

San Joaquin River Conservancy
Notice of Availability of a Draft Environmental Impact Report for the San Joaquin River Parkway Master Plan Update Project
San Joaquin River Area

In review of the Draft Environmental Impact Report (DEIR), Fresno Metropolitan Flood Control District (FMFCD) offers the following comment:

- On page 4.9-10, paragraph 2 of the San Joaquin River Parkway Master Plan Update EIR, the document states FMFCD "has nine permitted discharges to the river". There are currently eight existing permitted discharges to the river and two planned discharges to the river.

A02-01

Thank you for the opportunity to comment. Please keep our office informed on the development of the projects contained in this document. If you should have any questions or comments, please contact FMFCD at (559) 456-3292.

Very truly yours,

Kristine Johnson
Senior Staff Analyst

KJ/jt

j:\wprocess\kristinej (kaj)\2017\eir sjrc master plan.docx

Celebrating
60
Years of Service
1956-2016

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 310. Various
720.1053 Various

June 29, 2017

Ms. Melinda Marks, Executive Officer
San Joaquin River Conservancy
5469 E. Olive Ave.
Fresno, CA 93727

Dear Melinda,

FMFCD Comments on San Joaquin River Parkway Master Plan Update
Various Drainage Areas

Portions of the proposed project lie within the District's Boundary. The Fresno Metropolitan Flood Control District (District) storm drainage system will be able to accommodate the proposed San Joaquin River Parkway Master Plan Update within the District sphere. **A03-01**

The District bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including portions of the San Joaquin River Parkway Master Plan Update (Project) area. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. **A03-02**

The District requires that the storm drainage patterns for the proposed project conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed construction of grading improvements or storm drainage facilities for conformance to the Master Plan within the Project area. Specific construction requirements will be addressed with the implementation of Project improvement plans.

Permanent storm drainage service may or may not be available to the Project area and it will be the responsibility of the County or City of Fresno to verify that runoff can be safely conveyed to the Master Plan facilities in the area of construction, if available. **A03-03**

Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. The notice must be filed prior to the start of construction. Copies of the State General Permit and Notice of Intent are available at the District. **A03-04**

k:\letters\misc letters\fresno county\sjrc master plan update(mw).docx

Thank you for the opportunity to comment. If you should have any questions or comments, please contract the District at (559) 456-3292.

Very truly yours,

Mark Will
Engineer III, R.C.E.

MW/lrl/tls

COMMENT LETTER # A04

Fresno Unified School District

Preparing Career Ready Graduates

May 18, 2017

Melinda Marks
Executive Officer
San Joaquin River Conservancy
5469 E. Olive Ave.
Fresno, CA 93721-3604

SUBJECT: **DRAFT ENVIRONMENTAL IMPACT REPORT - SAN JOAQUIN RIVER PARKWAY MASTER PLAN UPDATE**

Dear Ms. Marks,

In response to the City's request for comments on the Draft Environmental Impact Report (DEIR) for the San Joaquin River Parkway Master Plan Update, Fresno Unified School District (FUSD) submits the following comments.

- Upon review of the San Joaquin River Parkway Master Plan Update and accompanying DEIR, the District anticipates a number of possibilities to engage the Parkway in relation to field trips, educational, and volunteering opportunities for District students — **A04-01**
- The school nearest in proximity to the San Joaquin River Parkway is Forkner Elementary School at 7120 N. Valentine Ave., approximately one-half mile from the San Joaquin River. As the closest school to the proposed project, Forkner would be subject to the greatest effects from any potential impacts — **A04-02**
- In the 'Hazards and Hazardous Materials' section of the DEIR on page 4.8-13, it states *"Other schools within ½- to ¾-mile of the Parkway Plan Area include the Rio Vista, Norman Liddell, Forkner, and Nelson Elementary Schools within the Fresno Unified School District and Pinedale Elementary School in the Clovis Unified School District."* Rio Vista Middle and Liddell Elementary schools are in fact within Central Unified School District, and Nelson Elementary is within the Clovis Unified School District — **A04-03**
- Regarding 'Public Services and Recreation' section, page 4.14-25 and the Fresno County goal to *"encourage the development of parks near public facilities such as schools"* and to *"encourage joint-use agreements whenever possible."* The District is in continued support of this goal, with the safety and security of students an utmost priority, and should be met with appropriate park and police safety and security measures. — **A04-04**

If you have any questions or require additional information regarding our comments, please contact our office at (559) 457-3066.

Sincerely,

Alex Belanger, Assistant Superintendent
Facilities Management and Planning

AB:hl
c: File

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

June 29, 2017

Melinda Marks
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727

Project: Draft Environmental Impact Report for the San Joaquin River Parkway Master Plan Update

District CEQA Reference No: 20170495

Dear Ms. Marks:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (Draft EIR) for the San Joaquin River Parkway Master Plan Update for the planned 22-mile regional natural and recreation area (Project). The purpose of this Project is to present updated goals, objectives, and policies, and to envision potential future uses, improvements, features, facilities, and management measures to be implemented. The District offers the following comments: **A05-01**

1. The Project itself will not have an impact on air quality. However, future development within the area will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:

    A. Accurate Project related health impacts should be evaluated altogether to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA). Prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. **A05-02**

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

If the Project altogether has a prioritization score of 1.0 or more, the Project has the potential to exceed the District's significance threshold for health impacts of 20 in a million and an HRA should be performed. If an HRA is to be performed, it is recommended that the Project proponent contact the District to review the proposed modeling approach. The Project would be considered to have a significant health risk if the HRA demonstrates that Project related health impacts altogether would exceed the District's significance threshold of 20 in a million.

A05-02 cont.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:

http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

B. Construction Emissions – Although the Draft EIR concludes that the Project's construction emissions will have a significant impact on air quality, the District recommends incorporating feasible mitigation measures to lessen the air quality impact associated with construction activity. In order to reduce construction exhaust emissions to the extent feasible, mitigation measures reducing construction exhaust emissions must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines §15126.4, subd.(a)(2)). Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of Project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier III emissions standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.

A05-03

C. If the Project equals or exceeds 20,000 square feet of recreational space, the Project would be subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the Project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval.

A05-04

Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. **A05-04 cont.**

D. The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). **A05-05**

E. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. **A05-06**

2. Table 4.3-6 of the Draft EIR recognizes the District's Toxic Air Contaminants Incremental Risk Thresholds. The Maximum Exposed Individual (MEI) Cancer Risk threshold is identified as greater-than or equal-to 10 in one million per the District's 2015 Guidance for Assessing and Mitigating Air Quality Impacts, however this threshold has since been updated to greater-than or equal-to 20 in one million. In future discussion and assessment, the District recommends updating the threshold value to reflect the current MEI Cancer Risk. Current air quality thresholds of significance for Toxic Air Contaminants can be found at: http://www.valleyair.org/transportation/ceqa_idx.htm **A05-07**

3. As presented in the Draft EIR, after implementation of all feasible mitigation, the Project would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA). As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate Project specific impacts to less than significant levels.

   A VERA is a mitigation measure by which the Project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the Project proponent and the District enter into a contractual agreement in which the Project proponent agrees to mitigate Project specific emissions by providing funds for the District's Strategies and Incentives Department (SI). The funds are disbursed by SI in the form of grants for projects that achieve emission reductions. **A05-08**

Thus, Project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the Project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the Project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that Project specific emissions have been mitigated to less than significant.

A05-08 cont.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating Project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and Project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.

Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.

If you have any questions or require further information, please call Stephanie Pellegrini at (559) 230-5820.

Sincerely,

Arnaud Marjollet
Director of Permit Services

Brian Clements
Program Manager

AM: sp

STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Established in 1938

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 *Fax* **(916) 574-1810**
California Relay Service TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1890**
Contact FAX: **(916) 574-1885**

June 29, 2017

File Ref: SCH # 2013061035

Melinda Marks
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727

Subject: San Joaquin River Parkway Master Plan Update and Draft Environmental Impact Report, Fresno and Madera Counties

Dear Ms. Marks:

The California State Lands Commission (Commission) staff has reviewed the San Joaquin River Parkway Master Plan Update (MPU) and Draft Environmental Impact Report (EIR), which is being prepared by the San Joaquin River Conservancy (Conservancy). The Conservancy, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency in its review of the MPU, but may also be a responsible agency for future projects considered under the MPU that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses. **A06-01**

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, such as the San Joaquin River, the state holds fee ownership of the bed of the waterway landward to the **A06-02**

ordinary low-water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections.

Commission staff has determined that portions of future MPU activities may be located on State-owned sovereign land under the Commission's jurisdiction. Please be advised that any future project improvements or activities located waterward of the low-water mark of the San Joaquin River, as depicted on sheets 1 through 17 of the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps, will encroach on sovereign land and will require a lease from the Commission. When future projects are proposed, please submit a detailed project description with more site-specific information to allow staff to determine the extent of the Commission's interest and which components of the project, if any, will require a lease prior to project implementation on sovereign land. Please contact Randy Collins, Public Land Management Specialist (see contact information below) for further information about the extent of the Commission's sovereign ownership and leasing requirements. **A06-02 cont.**

Even if future project activities are not subject to a lease from the Commission, the areas between the low- and high-water marks of the San Joaquin River are subject to a Public Trust easement. This easement provides the public with a property right that includes, but is not limited to, access for navigation, fishing, water-related recreation, open space, and ecological preservation uses. Future activities undertaken by the Conservancy must take into consideration and balance these public easement rights.

These comments are made without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information become available, and are not intended, nor should they be construed as a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

MPU Description

The San Joaquin River Parkway (Parkway) is a 22-mile-long regional, natural recreation area, primarily in the river's floodplain extending from Friant Dam to Highway 99. The Conservancy is proposing to update the existing Interim Master Plan, which the Conservancy adopted in December 1997. The 1997 Plan is being updated to reflect the following:

- Regulatory changes
- The San Joaquin River Restoration Program
- Practices, programs, directives, initiatives, and partnerships that have been developed over the years **A06-03**
- Lands acquired by the Conservancy
- Site-specific adopted and conceptual plans
- Addition of new goals, policies, and mitigation measures to address new changes, and to assist with the continued implementation of the Parkway

The MPU will serve as the document to guide future improvements to the Parkway, incrementally and in phases over many years. As such, the MPU includes goals, policies, and conceptual improvement projects. Future projects under the MPU will be subject to further CEQA review as necessary on a site-specific basis. Some of the key components of the MPU include, but are not limited to:

- Acquisition of a total of 5,900 acres of public open space and conservation lands
- Revegetation, restoration, and enhancement of Parkway habitats
- Development, operation, and maintenance of a 23-mile paved multiple-use Parkway trail
- Rehabilitation, maintenance, and new construction of permanent, temporary, and seasonal bridges and crossings (including weirs, fords, culverts, pedestrian decks on vehicle bridges, and other types of crossings)
- Development, operation, and maintenance of a river trail and support facilities for non-motorized boating
- Development, operation, and maintenance of ancillary infrastructure to support public access and low impact recreational uses, including but not limited to: gates, fences, entrances, access roads, trailheads, parking, staging areas, restrooms, kiosks, equestrian trail riding, non-motorized boating and paddling, bicycling, vista points, observation decks, fishing piers and docks, Americans with Disabilities Act and universal access accommodations

A06-03 cont.

Environmental Review

The Draft EIR analyzes the MPU as the proposed Project, including a No Project Alternative, and an Increased Natural Reserves Alternative. Under the Increased Natural Reserves Alternative, the proposed Project would continue to be implemented; however, the focus would shift to increasing natural reserves through land acquisitions, and not enhance or increase the existing network of multi-use trails. As such, fewer recreation and education facilities and trail enhancements would occur, thereby reducing visitation and further opportunities for low-impact recreation compared to the proposed Project. This alternative would not meet many of the fundamental objectives for the San Joaquin River, nor fulfill the statutory mission of the Conservancy.

A06-04

Commission staff requests that the Conservancy consider the following comments on the MPU and Draft EIR.

General Comments

1. In Section 2.8 of Chapter 2 of the MPU, please add the following definition for Public Trust Lands:

   The area of the San Joaquin River waterward of the ordinary high-water mark, as represented on the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps. This includes the Public Trust easement that is reserved to

A06-05

the people of California, between the ordinary high-water mark and the ordinary low-water mark.

2. In Chapter 9, Plan Preparation of the MPU, please replace Michael McKown with Jennifer Lucchesi as the Commission's representative on the Conservancy Board.

A06-05 cont.

Biological Resources

3. Aquatic Invasive Species (AIS): The San Joaquin River is listed under Clean Water Act section 303(d), as impaired for invasive species within the Parkway. Under this impairment, the river cannot assimilate or accommodate additional AIS, and any increase in such species would contribute to the impairment (River West Fresno, Eaton Trail Extension Project Draft EIR 2017). Given the MPU's future vision for enhanced boating access (e.g., the MPU identifies existing boat launching facilities, and promotes opportunities for future facilities to support boating access throughout the Parkway), Commission staff encourages the Conservancy to encourage participation with existing programs and management techniques to control and prevent introductions of AIS associated with motorized and non-motorized watercraft.

   For example, within Chapter 6, Goals and Policies of the MPU, Environmental Education, Interpretation, and Outreach, the Conservancy could develop a policy that promotes public education on the spread and introduction of AIS. The policy could supplement Policies 5 and 6 for Habitat Conservation and Management, to control, remove, and prevent introductions of AIS. Other measures could include introduction of AIS clean, drain, and dry practices for watercraft, and signage at parking lot and staging areas for boating facilities that identify existing non-native AIS and promote practices to prevent the spread of such species.

   Commission staff encourages the EIR to analyze this potential impact for AIS and include the above recommendations as mitigation measures. The California Department of Fish and Wildlife's Invasive Species Program could assist with this analysis, as well as with the development of appropriate mitigation (information at www.dfg.ca.gov/invasives/).

A06-06

Cultural Resources

4. Title to Resources: Within the Cultural Resources section of the Draft EIR, under State Laws and Regulations, please insert the following language:

   The title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the submerged lands of California are vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the Commission must be approved by the Commission.

A06-07

Land Use

5. Boundaries of Public Trust Lands: Chapter 8 of the MPU, Subsection 8.2.1, Recreation Areas, discusses some areas of the river being adjacent to private lands, and the siting of non-motorized boating facilities in locations to avoid trespass on private lands. Chapter 8 also explains that trespass onto private lands adjacent to the river and parkway is an identified concern for private land owners. The MPU should include public education measures regarding the public's rights and responsibilities for accessing Public Trust lands in the Public Trust easement. Such public outreach would inform the public on how the boundaries of Public Trust lands are determined and identified, and what rights the public has relating to these lands and accessing the river. The MPU should also include reference to the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps as a resource for the public (see Item 1 above for the requested Public Trust Lands definition, and the Jurisdiction section for Commission jurisdiction over navigable, non-tidal waterways and the Public Trust easement). **A06-08**

6. Land Use Planning, Operations, Maintenance, and Funding: Appendix B of the MPU, Operations and Maintenance Funding Toolbox, explores the feasibility of various funding mechanisms to support Parkway operations and maintenance. Some proposed funding sources include:

   - Establishment of local jurisdiction general fund appropriations to provide Parkway services
   - Establishment of County Service Areas within the Parkway
   - Establishment of Community Service Districts within the Parkway
   - Development and implementation of developer impact fees by local jurisdiction planning agencies
   - Special events, such as concerts, water oriented recreation events and competitions, festivals, etc.

   A06-09

   Chapter 8 of the MPU, Implementation, explains that Appendix B was prepared as part of the MPU process, to provide an analysis of options for funding ongoing operations and maintenance. However, most of the above proposals would require discretionary approval by local jurisdictions, and some would be subject to a public voting process. Although Draft EIR Section 4.10, Land Use Planning, explains that many of the existing Master Plan policies have been adopted in whole or in part by the three local land use agencies: the County of Fresno, County of Madera, and City of Fresno, this section does not appear to analyze these funding proposals, or acknowledge that local jurisdictions would need to take separate discretionary action to implement these proposals, or include special events as part of the consistency analysis with local jurisdiction zoning ordinances and general plan land use designations. Chapter 8 and Appendix B of the MPU, and the Land Use Planning section of the Draft EIR would benefit with more background discussion on how the above funding proposals relate to the Draft EIR analysis.

Recreation and Public Access

7. Public Access: The San Joaquin River Conservancy Act (SJRCA) set a target of 5,900 acres of land to be acquired to develop the Parkway. When the Conservancy was created, it was determined at that time that 1,250 acres were already in public ownership and protection. The Conservancy has acquired over half of the remaining 4,650 acres to date, leaving a little over 2,000 acres to be acquired. Acquiring lands to complete the 5,900-acre Parkway is the highest program priority, driven by development threats, real estate values, and the momentum of concurrent negotiations. In accordance with the SJRCA, lands acquired by the Conservancy shall remain closed to public access, and planned public access projects will not be constructed until and unless adequate operations and management resources are available (Pub. Resources Code, § 32511). The SJRCA also mandates that development of the Parkway shall first protect natural resources, including habitat, wildlife, and flood conveyance, and that public access shall only be provided to the extent it is compatible with protection of the resources. Currently, there are limited opportunities for the public to access acquired lands for recreation and education purposes and, as explained in Chapter 8 of the MPU, Implementation, there is a need and demand for improved public access within the Parkway. **A06-10**

   Chapter 8 of the MPU proposes more intensively developed hubs of Parkway recreation facilities near and adjacent to existing recreation facilities, located at Lost Lake Park, the Coke Hallowell River Center, Woodward Park, the crossing at Highway 41, and near Highway 99. Impacts of more intensive recreation will be reduced by improving and expanding these existing facilities, rather than accommodating them at new locations along the river. In the interest of developing public access facilities at new locations along the river, Commission staff encourages the Conservancy to proactively pursue opportunities to impose legal mandates for providing public access; see Item 10 below.

   Given the limitations to public access as explained above, Commission staff discourages new funding sources for operations and maintenance identified in Appendix B of the MPU, that would reduce or eliminate public access and recreation. The San Joaquin River Partnership may also be a potential funding source for consideration with Appendix B, to assist with development of riverside support facilities to implement the San Joaquin River Water Trail within the Parkway; see Item 8 below.

   The Increased Natural Reserves Alternative also appears to prioritize natural resource protection, with no objective to enhance public access and recreation facilities. This alternative would also not seem to implement local jurisdiction general plan policies for enhanced recreation facilities and open space along the river, or be consistent with other existing master plan goals and policies. Therefore, Commission staff does not support this alternative. **A06-11**

   In summary, there appear to be numerous limitations for increasing public access to Parkway lands. Although the Conservancy may be required to close external public access for acquired Parkway lands that do not have adequate operations and **A06-12**

management resources available, the riverbed is also public land, unencumbered by the public access limitations of the SJRCA and MPU, and will continue to be open to public use. The Public Trust easement also allows for lateral public access along the river below the ordinary high-water mark. This leaves potential for the river to serve as an internal entryway into Parkway lands, regardless of whether external access to these lands is open or closed to the public. As such, for acquired Parkway lands currently closed to external public access, Commission staff encourages MPU policies to have some allowance for development of basic riverside support facilities for non-motorized boating (i.e., trash cans, restrooms, rest areas, etc.). Boating use of the river should be managed equally and in balance with the goals and policies of the MPU for natural resource conservation, and in consideration of private property adjacent to the Parkway. This would also help implement the goals and objectives of the San Joaquin River Water Trail; see Item 8 below.

A06-12 cont.

8. San Joaquin River Water Trail (SJRWT): The San Joaquin River is the second longest river in California, making it essential to the economic well-being and quality of life for San Joaquin Valley residents. The SJRWT is a component of the San Joaquin River Blueway (Blueway) Program, sponsored by the San Joaquin River Partnership. The Blueway is a mosaic of parks, wildlife refuges, and other publicly accessible places that provide the public an opportunity to explore and enjoy the San Joaquin River from its headwaters to the Delta. A major goal of the Blueway is to work with agencies and other partners to facilitate implementation of the Blueway through ongoing local, regional, and state planning efforts and policy development, and through San Joaquin River Restoration Program projects, as appropriate to improve access to the river in the near term (www.sanjoaquinriverpartnership.org). The SJRWT is envisioned to link existing and future sites that provide public access, such as existing sites located near Fresno along the Parkway.

A06-13

Chapter 5, Figure 5-11, of the MPU identifies future projects that may occur within the Parkway, which includes development of a river boating trail (a segment of the conceptual Blueway) for non-motorized watercraft. The river trail would consist of interspersed boat launch and takeout areas with boat trailer parking, hand-carried boat launch and take-out areas, canoe docks, rest stops with picnic tables and restrooms, and boating facilities on internal ponds. The Commission supports inclusion of the boat trail as a planning effort contemplated with the MPU. However, rather than labeling this effort as part of a proposed boat trail, a stronger alliance could be made by directly identifying this effort as implementation of the SJRWT. The River West Fresno, Eaton Trail Extension Project is an important planning effort within the Parkway, to further accommodate SJRWT goals; see Item 9 below.

9. River West Fresno, Eaton Trail Extension Project: Alternatives 1 and 5 of the Eaton Trail Extension Project propose many of the facilities that are needed to support the SJRWT within the Parkway, including roadway access and parking, restroom, and trash containers in close proximity to the river, and other park facilities to support boating use of the river. As explained in the Commission's April 17, 2017, comment letter on the Eaton Trail Extension Project, the Commission staff supports Alternative 1 in combination with sub-alternative 5e, as the optimum project proposal for boating

A06-14

access to the river and to maximize the siting of these facilities on state land. It also serves as an important project to provide new public access facilities, such as road and parking access to the Parkway. **A06-14 cont.**

10. California Statutes for Public Access: The MPU proposes rehabilitation and development of new bridges across the river. Figure 3-14 of the Draft EIR identifies 14 potential Parkway river crossings. For bridge construction projects over navigable rivers, California Streets and Highways Code sections 84.5, 991, and 1809 requires city and county governments, and the California Department of Transportation to prepare a report on the feasibility of providing public access to the river, and a determination on whether such access shall be provided. The Conservancy is encouraged to closely monitor construction projects for existing and new bridges within the Parkway, to enhance public access through conformance with Streets and Highways Code requirements for public access.

    Sections 66478.1 and 66478.4 through 66478.8 of the California Subdivision Map Act require provisions for local agencies to provide reasonable public access to a public waterway, river, or stream prior to approving a tentative or final map of any proposed subdivision to be fronted upon such a waterway. The Conservancy is encouraged to closely monitor property subdivision proposals adjacent to the Parkway for conformance with these sections of the Subdivision Map Act. The Conservancy is also encouraged to closely monitor other development projects adjacent to and within the Parkway, for potential impacts on public access and recreation facilities within the Parkway, for example, by identifying fair arguments pursuant to CEQA to require improvements to existing recreation facilities or new facilities as mitigation for such impacts. **A06-15**

Transportation/Parking

11. Chapter 6 of the MPU identifies the following goal and policy for the Public Access and Recreation section:

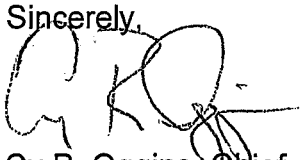
    Goal: Provide river access and high quality recreation areas and facilities to meet recreational and environmental educational needs while conserving natural and cultural resources.

    ACCESS.19: Provide sufficient on-site parking at each public recreational facility for the desired usage level during peak periods and to meet the parking recommendations of the affected local jurisdiction. **A06-16**

    Parking facilities and staging areas intended to support non-motorized boating access to the river must be sited relatively close to the river. The Draft EIR for the River West Fresno, Eaton Trail Extension project proposed only one alternative (Alternative 5 and more specifically sub-alternative 5e) that provided parking facilities close to the river. In support of the above goal and policy and to ensure appropriate siting of boating access facilities, Commission staff encourages development of an MPU policy that acknowledges the need to locate boating access support facilities within reasonably close proximity to the river, and in balance with other policies for resource protection or that prohibit development near the river.

Thank you for the opportunity to comment on the MPU and Draft EIR. As a trustee agency, Commission staff requests that you consider our comments prior to certification of the Final EIR. Please provide a copy of the Final EIR, Mitigation Monitoring and Reporting Program, and public hearing notice for consideration of the MPU and EIR certification by the Conservancy Board when they become available. Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via e-mail at Jason.Ramos@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Randy Collins, Public Land Management Specialist, at (916) 574-0900 or via e-mail at Randy.Collins@slc.ca.gov. **A06-17**

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Lucchesi, Commission
S. Haaf, Commission
R. Collins, Commission
J. Ramos, Commission

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 444-2493
FAX (559) 445-5875
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

June 13, 2017

06-FRE-GEN-GEN
SCH # 2013061035
San Joaquin River Parkway
Master Plan Update EIR

Ms. Melinda Marks
Executive Officer
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, California 93727

Dear Ms. Marks:

Thank you for including Caltrans in the environmental review process for the project referenced above. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl. The following comments are based on the proposed San Joaquin River Parkway Master Plan Update (proposed Project or proposed Plan) Update Environmental Impact Report prepared by Placeworks, dated April 2017:

Caltrans concurs with Mitigation Measure TRAF-1: "*If a future project implemented under the proposed Plan is estimated to generate daily or peak hour volumes of traffic that trigger requirements of a state or local agency to prepare a site access, circulation, and traffic study, the Conservancy shall consult with the respective agency…"* As such, the Conservancy should route projects for our review and comment.

A07-01

If you have any further questions, please contact me at (559) 444-2493.

Sincerely,

DAVID PADILLA
Associate Transportation Planner
Planning North Branch

c: Michael Navarro, Chief, Planning North Branch, Caltrans

COMMENT LETTER # A08

County of Fresno

BOARD OF SUPERVISORS
SUPERVISOR ANDREAS BORGEAS - DISTRICT TWO

June 28, 2017

Ms. Melinda Marks, Executive Officer
San Joaquin River Conservancy
5469 E. Olive
Fresno, CA 93727

Subject: Comments regarding the Master Environmental Impact Report (Master EIR).

Dear Ms. Marks,

As Chairman of the Conservancy and member of the Fresno County Board of Supervisors, please include and consider the following comments and attached documents regarding the Master EIR.

While the Master EIR does not have the same level of detail on public access as the River West Project's Draft EIR, there are references in the Master EIR that could contemplate public access and parking at Riverview. Accordingly, I would like to restate the concerns and objections of my office and the Fresno County Department of Public Works and Planning to any such contemplation of vehicular access or public parking at Riverview. Specifically, please refer to comments #2 and #3 on Attachment 1 and to the relevant sections of the Department of Public Works and Planning comments (Attachment 2) that identify legal and policy conflicts with the City of Fresno's General Plan.

A08-01

In summary, I appreciate the opportunity to comment on the Master EIR and please incorporate this letter with its attached documents into the public record.

Sincerely,

Andreas Borgeas

Encl: Attachment 1 – Draft EIR Comments dated March 26, 2017 from Andreas Borgeas
Attachment 2 – Draft EIR Comments dated April 12, 2017 from Fresno County Department of Public Works

Attachment 1

San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727

March 26, 2017

Submitted for the Conservancy Board's review and record are comments regarding the Draft Environmental Impact Report (DEIR) for the Fresno River West Project and portions under consideration within the Lewis S. Eaton Trail (LET). Please include and consider the following comments:

1. Support Alternative #3 as it is the only option that creates public access for a trail design located near and along the river, which maximizes trail length and use and enjoyment of the natural habitat;

2. Oppose Alternative #1 as it directly conflicts with the City of Fresno's 2035 General Plan (Policy POSS-7-g), which City officials have long reported how "public parking should be directed away from Del Mar and Riverview area neighborhoods due to traffic congestion and …safety…." (12/20/12 SR – CM Bruce Rudd)

3. Support the premise that any proposed public parking at Del Mar and Riverview is an unsatisfactory burden on the neighborhood and poses extraordinary public safety risks, which disqualifies it as a viable area for consideration;

4. Support Alternative #5(b), or some variation thereof that shall be properly studied and incorporated into the DEIR and eventually be negotiated by interested parties, that will allow for public parking opportunities near Palm/Nees;

5. Support the premise that public access at Palm/Nees is an appropriate and satisfactory access point for any segment of the population considered disadvantaged, as it is conveniently located near Pinedale and adjacent communities and along major road systems with public, private and physical transportation opportunities;

6. Support the Conservancy's adoption and implementation of the San Joaquin River and Bluff Protection Ordinance, which provides important public safety rules, regulations and protocols for use of and activities in the river;

7. Support a River West project that properly considers and secures the necessary funding for sustainable operations and maintenance costs;

8. Support a plan for the River West project that properly considers various legal, constituent and political dynamics that could disrupt or ultimately stop progress on the project's completion;

Thank you for the consideration of our response.

Sincerely,

Andrea Borges

Attachment 2

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

April 12, 2017

San Joaquin River Conservancy
c/o Melinda Marks, Executive Officer
5469 E. Olive
Fresno CA 93727

Subject: Draft Environmental Impact Report (DEIR) for the San Joaquin River Conservancy River West Fresno, Eaton Trail Extension Project

Dear Ms. Marks:

The County of Fresno appreciates the opportunity to review and comment on the DEIR for the River West Fresno, Eaton Trail Extension Project. While the County acknowledges that the proposed extension will be fully within the jurisdictional boundaries of the City of Fresno, as a project with regional importance, and in consideration of the County's own General Plan policies related to river influence areas, the San Joaquin River, and its coordination with the Conservancy, the following comments are offered for your consideration:

County staff acknowledges the challenges the Conservancy has faced in arriving to and presenting the various Alternatives to continue to facilitate and improve access to this regional resource, and staff commends the Conservancy for their thoughtful consideration of each Alternative and potential impacts associated with limited access to the River West Trail Extension Project.

Staff is supportive of the premise that public access at the intersection of Palm and Nees in northwest Fresno is an appropriate and satisfactory access point for all segments of the population, as it is conveniently located near and adjacent to several established residential areas of varying income levels, some of which may currently experience access limitations to recreational resources. Public access at this intersection could utilize the City's existing circulation and public transit system with several modal options to offer access to a wider regional population range.

As an extension of the comment above, staff is supportive of Alternative No. 5 as presented in the DEIR, specifically a version such as Route 5b that would allow for public parking opportunities near the Palm/Nees intersection. County staff realizes that the Conservancy faces challenges in regard to private property negotiations to obtain access from this intersection.

As stated above, the adopted Fresno County General Plan contains specific policies and implementation programs regarding River Influence Areas in general and specific policies addressing the San Joaquin River.

General Plan Implementation Program LU-C.B states that the County shall work with the San Joaquin River Parkway and Conservation Trust, San Joaquin River Conservancy, City of Fresno, and other interested agencies and organizations to implement the San Joaquin River Parkway Master Plan.

Relevant General Plan policies include:

- Policy LU-C.9, which states that the County shall administer its land use regulations in the San Joaquin River Corridor Overlay to preserve and protect identified wildlife corridors along the San Joaquin River, and that the County shall administer these regulations in consultation with the San Joaquin River Conservancy; and

- Policy LU-C.10, which states that the County shall administer its land use regulations in the San Joaquin River Corridor Overlay to protect natural reserve areas in the San Joaquin River Parkway, principally in those areas adjoining the wildlife corridor along the river where the largest acreages of highest quality habitat exist.

As with Policy LU-C.9, Policy LU-C.10 states that the County shall administer these regulations in consultation with the San Joaquin River Conservancy.

With regard to Alternatives that could expand parking or access in existing residential neighborhoods which could directly conflict with the City of Fresno's adopted 2035 General Plan, the County would refer Conservancy staff to County General Plan goals and policies related to Incorporated City, and City Fringe Areas, specifically:

- Goal LU-G, which directs urban development within city spheres of influence to existing incorporated cities and to ensure that all development in city fringe areas is well planned and adequately served by necessary public facilities and infrastructure and furthers countywide economic development goals; and

- Policy LU-G.1, which states that the County acknowledges that the cities have primary responsibility for planning within their LAFCO-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.

As a result, the County does not support Alternative No. 1 as it would conflict with the City of Fresno's General Plan Parks, Open Space, and School Element Policy POSS-7-g that public access into the River View Drive Area/Neighborhoods should be limited to cyclists and pedestrians with the exception of public safety, circulation, and/or other governmental/support service provider vehicles.

To summarize, the County appreciates the opportunity to comment on the DEIR document and is supportive of an Alternative that provides access near the Palm/Nees intersection which allows closer regional access to existing population areas with broader modal transportation options. Should you have any questions please do not hesitate to contact me at (559) 600-4234.

Sincerely,

Bernard Jimenez
Deputy Director of Planning

c: Board of Supervisor Andreas Borgeas, District 2
Steven White, Director
William M. Kettler, Development Services Manager

Steve Noack

From: Melinda Marks <melinda.marks@sjrc.ca.gov>
Sent: Thursday, July 06, 2017 3:29 PM
To: Kyle Simpson
Subject: FW: Master Plan Comments from Dumna Tribe
Attachments: AB_52 Shute Mihaly.pdf; OPR_AB_52_Presentation_Discussion_Draft.pdf

Melinda S. Marks
Executive Officer
San Joaquin River Conservancy
5469 E. Olive, Fresno CA 93727
(559) 253-7324
Fax (559) 456-3194

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov

From: Chris Acree [mailto:cacree@hotmail.com]
Sent: Tuesday, July 04, 2017 1:19 PM
To: Melinda Marks
Subject: Master Plan Comments from Dumna Tribe

Hello Melinda,
I am writing in hopes you will consider some additional comments on the Master Plan update project. We were unable to submit comments in a timely manner, but hope you will consider including these few items. A reference to AB 52 tribal consultations guidelines is referenced in several summary documents included as attachments. This is legislation became effective July 1, 2015 and requires resource agencies to consult with tribes prior to release of environmental documents. Also, Figure 4.5-1 needs to be removed from the document and from all digital sources available to the public as it releases the confidential locations of Dumna and other tribal cultural resources in violation of State law. Thank you and sorry for the late response.

A09-01

Chris Acree, Cultural Resources Analyst
Dumna Wo Wah Tribal Government

SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

TORI BALLIF GIBBONS
Attorney
gibbons@smwlaw.com

Tribal Consultation under AB 52: An Overview and Tips for Compliance

With the implementation of Assembly Bill 52 (AB 52) last July, California welcomed a new chapter in the ongoing relationship between public agencies and Native American tribes. This new law recognizes California tribes' expertise regarding cultural resources and provides a method for agencies to incorporate tribal knowledge into their CEQA environmental review and decision-making processes. Under AB 52, California tribes now have the ability to establish, through a formal notice letter, a standing request to consult with a lead agency regarding any proposed project subject to CEQA in the geographic area with which the tribe is traditionally and culturally affiliated. To help public agencies familiarize themselves with the AB 52 process, this article outlines the basic framework of the new law and offers suggestions for agencies engaging in AB 52 consultation efforts.

What should an agency do when it receives an AB 52 consultation request letter?

Upon receiving a request letter from a tribe, an agency may first wish to contact the Native American Heritage Commission (NAHC) to verify that the requesting group is a California Native American tribe and that the agency potentially has lead decision-making authority over a project(s) in that tribe's area of traditional and cultural affiliation. *See, e.g.*, Pub. Res. Code § 21080.3.1(c). Once this has been verified, the agency should send a response back to the tribe's lead contact person, confirming receipt of the request. The agency should then add the tribe to the agency's notice list and make sure that all staff are aware of the agency's AB 52 notice and consultation obligations to that tribe regarding CEQA projects for which the agency serves as lead that have potential cultural resource impacts.

When does a lead agency need to provide notice to the requesting tribe?

A lead agency must provide written notification to requesting tribes on its notice list **within 14 days** of a decision to undertake a project or a determination that a project application is complete. Notice to the tribes must include a brief project description, the project location, and the lead agency's contact information. A tribe then has 30 days to request consultation. If the tribe does not respond in that period or writes to decline consultation, the lead agency has no further obligation. If the tribe requests consultation, the lead agency must begin the consultation **within 30 days and prior to** the release of a negative declaration, mitigated negative declaration, or environmental impact report for that proposed project. *See* Pub. Res. Code § 21080.3.1. This timeline allows the agency to consider the information it receives during consultation in determining the proposed project's impacts and the appropriate level of CEQA review.

What does consultation entail under AB 52?

California law defines consultation as the "meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, **where feasible, seeking agreement**." Gov. Code § 65352.4 (emphasis added). AB 52 also allows for the possibility of project applicant participation in the consultation process, but agencies should not view this as an opportunity to delegate their consultation duties to the applicant. *See* Pub. Res. Code § 21080.3.2(d). AB 52 requires agencies to remain fully responsible for the consultation process.

Confidentiality is crucial to the AB 52 consultation process. *See* Pub. Res. Code § 21082.3(c)(2)(A). Many tribes consider the nature and location of cultural resources sacred information and have concerns about potential vandalism or desecration if that information is leaked. The consulting agency must respect tribal sovereignty and recognize the need for confidentiality regarding sensitive tribal cultural resource information, consistent with Government Code sections 6254, subdivision (r), and 6240.10, and Code of Regulations section 15120, subdivision (d). *Id.;* Pub. Res. Code § 21082.3. For this reason, the agency and tribe should agree beforehand as to appropriate recordkeeping practices for the consultation proceedings to ensure that confidentiality is preserved. If the applicant does join the consultation meetings, the agency should stress that all confidentiality obligations extend to the applicant as well. *See* Pub. Res. Code § 21082.3(c)(2).

Respectful, effective consultation consists of in-person meetings between appropriate representatives of the parties, which the tribe may wish to host at its reservation or rancheria. During consultation meetings, the parties should make a point to identify any significant impacts the proposed project would have on tribal cultural resources and discuss potential avoidance or mitigation measures; the tribe may identify additional consultation topics in its response to the lead agency's notice letter. Agencies should also be aware that tribes may take a broad view of cultural resources and extend this characterization to entire landscapes, as contemplated under AB 52's tribal cultural resources definition. *See* Pub. Res. Code § 21074(a)(1)(A). AB 52 also requires agencies to recognize that tribes may attach cultural or spiritual value to these resources, apart from their scientific or archaeological merit. *Id.*

Many tribes already have consultation experience in the federal context under the National Historical Preservation Act, and may have strong views on appropriate mitigation measures for cultural resource impacts. Agencies should anticipate that tribes may have sensitivity to the way cultural resources are monitored, handled, and potentially excavated. Many tribes may have a strong preference for cultural resource avoidance or leaving resources *in-situ* rather than excavating and storing the artifacts in a museum.

Under AB 52, consultation ends when the parties reach agreement on measures to avoid or mitigate a significant tribal cultural resource impact, which will then be incorporated into the environmental review document, or when a party, "acting in good faith and after reasonable

effort, concludes that mutual agreement cannot be reached." Pub. Res. Code § 21080.3.2(b). A tribe may continue to submit information to the lead agency even after consultation ends.

Suggestions for agencies

- Agencies should designate a representative or tribal liaison who will take primary responsibility for responding to AB 52 consultation requests, sending notice letters, and setting up consultation meetings. Agencies should also consider providing training to familiarize staff and officials with the requirements and timeline discussed above.
- Agencies should be respectful of each tribe's unique history, practices, and culture. Prior to initiating consultation with a tribe, the agency should develop an understanding of that tribe's leadership and governance structures. Some tribes may rely on their Tribal Historic Preservation Officer (THPO) to handle the consultation, while others may prefer to have someone from the highest level of tribal government, like the tribal council, attend the meetings.
- Agencies should also be mindful of potential Brown Act restrictions when engaging in consultation. See Gov. Code §§ 54950 *et seq*. California law requires that consultation "be conducted in a way that is mutually respectful of each party's sovereignty," which Native American tribes frequently interpret to mean a conversation between elected agency officials and tribal government leaders. To the extent that the Brown Act prevents a meeting with elected agency officials or limits the number of officials who can be present, the lead agency should respectfully communicate these restrictions to the tribe early in the consultation process to avoid offense and to allow the tribe to identify appropriate corresponding representatives to send to the meetings.
- Agencies should be thoughtful about involving the project applicant in the consultation process. The applicant's participation may be helpful in identifying and agreeing upon potential mitigation measures, but it may also add tension to the consultation dynamic. Agencies should propose parameters to guide the applicant's involvement and to ensure that the agency maintains responsibility for the process.
- To create an efficient and consistent process, it may be helpful to set up an agreement or memorandum of understanding to govern how consultation will proceed. This agreement could define the terms and topics to be discussed during consultation, set out a consultation timeline, identify the parties' goals, identify a recordkeeping system, and articulate any other rules that will guide the process. *See, e.g.,* Pub. Res. Code § 21080.3.2(a). In drafting this document, the agency should allow enough time to respect the tribe's decision-making processes.
- If consultation or the agency's own review efforts suggest that the proposed project will have a significant impact on "tribal cultural resources," as defined in Public Resources Code section 21074, subdivision (a), these impacts must be addressed in the agency's CEQA documents. *See* Pub. Res. Code §§ 21082.3, 21084.2. OPR is developing an update to Appendix G, expected July 2016, to help guide this analysis. Pub. Res. Code § 21083.09.
- Agencies should take care to ensure that agreement to potential mitigation measures during consultation do not amount to an improper pre-commitment under CEQA. *See, e.g., Save Tara v. City of West Hollywood*, 45 Cal.App.4th 116 (2008). Though the lead agency must be careful to maintain the confidentiality of sensitive tribal cultural resource information, it should still

include a general description in its environmental document so that the public understands why the agreed-upon mitigation measures would be necessary if the project is approved. *See* Pub. Res. Code § 21082.3(c)(4).

- Just as CEQA contains stronger enforceability language than its federal counterpart NEPA, an agency's tribal consultation responsibilities under AB 52 are more enforceable than those under Section 106 of the National Historic Preservation Act (NHPA). *See* Pub. Res. Code § 21082.3(a) ("Any mitigation measures agreed upon in the consultation . . . shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact . . . and shall be fully enforceable.")

AB 52:
A CEQA Guidelines Update for Tribal Cultural Resources

Holly Roberson, JD
Land Use Counsel
Governor's Office of Planning and Research

AB 52 Presentation Overview

- Context
- Brief Summary
- Definition of Tribal Cultural Resources
- Notice and Timing
- Mitigation Measures
- AB 52 Implementation Timelines
- Consultation Process Explained
- OPR Requirements
- Discussion Questions and Contact Info

AB 52 in Context

- Key Concepts:
  - Respect Tribal Sovereignty
  - Respect Confidentiality per Pub. Resources Code 21082.3
  - Capacity: Tribal Governments and Lead Agencies vary in the amount of resources they have available to address these issues
- SB 18 (Burton, 2004)
  - Local Governments must Contact and Consult with California Native American Tribes (Tribes)
    - Prior to amendment or adoption of General Plan, Specific Plan, or designation of Open Space.
    - Gov. Code, Planning not CEQA
- Gov. Brown Executive Order B-10-11 (2011)
  - Established the Governor's Tribal Advisor positon
  - Established Administration Policy to encourage State Agencies to Communicate and Consult with Californian Tribes

AB 52 in brief: Include Tribal Cultural Resources in CEQA

- Establishes a consultation process with all California Native American Tribes on the Native American Heritage Commission List-> Fed. And Non Fed. Recognized Tribes
- New class of resources: Tribal Cultural Resources
  - Consideration of Tribal Cultural Values in determination of project impacts and mitigation
  - Required Tribal notice and meaningful consultation
- PRC 21080.3.2(b) Consultation ends when either
  - Parties agree to MMs or avoid a significant effect on TCR
  - A party, acting in **good faith** and after **reasonable effort** concludes that mutual agreement cannot be reached

Definition of a Tribal Cultural Resource

- A Tribal Cultural Resource is:
  - A site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe
  - AND is either: On or eligible for the CA Historic Register or a local historic register,
  - OR the lead agency, at its discretion, chooses to treat the resource as a TCR
  - See: PRC 21074 (a)(1)(A)-(B)

Notice and Timing

- Tribe requests to be on the Agency's Notice List
- Within 14 days of a decision to undertake a project or determination that a project application is complete, lead agency shall provide written notification to the tribes that requested placement on notice list
- Notice to Tribes shall include brief project description, location, lead agency contact info., and statement that Tribe has 30 days to request consultation
- Lead agency shall begin the consultation process within 30 days of receiving Tribe's request for consultation

Mitigation Measures

- Public agencies shall, when feasible, avoid damaging effects to TCR.
- Consultation at Tribal request
- Mitigation measures agreed upon during consultation shall be recommended for inclusion in environmental document /MMRP
- Examples of mitigation measures include:
  - Avoidance and preservation of the resources in place
  - Treating resource with culturally appropriate dignity
  - Permanent conservation easements
  - Protecting the resource

AB 52 Implementation Timelines

- Law goes into effect on July 1, 2015.
  - After July 1, 2015, if requested by a California Native American Tribe, lead agencies must begin consultation prior to the release of a ND, MND or DEIR. See flowchart for timing.
- CEQA Guidelines update to Appendix G must be drafted by OPR, and adopted by Resources Agency by July 1, 2016

OPR Requirements

By July 1, 2016, OPR shall develop, & Resources shall adopt, revisions to Appendix G of the CEQA Guidelines to:

a) Separate the consideration of paleontological resources from Tribal Cultural Resources and update the relevant sample questions; and

b) Add consideration of Tribal Cultural Resources with relevant sample questions.

OPR's Process

- Informal Outreach and Listening
- Collaboration with Native American Heritage Commission
- Sign up on CEQA Guidelines Update Listserve at www.opr.ca.gov to stay informed
- California Natural Resources Agency has its own formal process for adoption of changes to the CEQA Guidelines

Discussion Questions

- Other considerations or things which need clarification, and which are within the scope of the statute?
- Examples of consultation processes that have gone well?

Keep in touch

Contact information:

Holly Roberson, Land Use Counsel

Governor's Office of Planning and Research

Phone: 916-322-0476

Email: holly.roberson@opr.ca.gov

San Joaquin River
Parkway and
Conservation Trust, Inc.

June 27, 2017

Melinda Marks
San Joaquin River Conservancy
5469 E Olive Ave
Fresno, CA 93727

RE: San Joaquin River Parkway Master Plan Update and Draft EIR

Dear Melinda:

Thank you for the opportunity to comment on the Parkway Master Plan.

Over the past 29 years the San Joaquin River Parkway & Conservation Trust has worked cooperatively with the Conservancy to protect land, provide programs, and construct and manage improvements throughout the Parkway reach of the San Joaquin River. We applaud the Conservancy's efforts to implement the Parkway in a challenging political and economic climate.

B01-01

The Parkway Master Plan Update and Draft EIR contain comprehensive background information and strive to balance the need to provide public access while protecting sensitive resources. With that approach in mind, we submit the following recommended changes:

1. Identify existing locations of intensive use in addition to areas of future improvements.

B01-02

The current draft identifies just three areas as having the potential for the most intensive uses and facility improvements: Lost Lake Park, Madera River West, and River Vista. This fails to include several areas of existing use and existing and pending improvements including Sumner Peck Ranch Winery; Coke Hallowell Center for River Studies (a.k.a. River Center; referenced in the previous plan as the Williams-Phillips residence); Owl Hollow; Cobb Ranch; Jensen River Ranch; Fresno River West; Scout

Island Education Center; and Fresno County Horse Park. Recognition of these existing facilities and uses is critical for the accurate evaluation of cumulative environmental impacts.

B01-02 cont.

2. Preservation of prime farmland should be a goal of the Parkway Master Plan and mitigation measures requiring in lieu fee payment for farmland mitigation should be incorporated.

We are uncertain how the Conservancy can consider the conversion of prime farmland a significant and unavoidable impact. There are numerous mitigation measures in use around the State of California and the United States that can be used to preserve farmland. These include in lieu fee mitigation for the protection of offsite farmland, contract farming, and farming and grazing leases. Agriculture, wildlife, and recreation are compatible uses of the San Joaquin River environs, and we encourage the Conservancy to incorporate such mitigation measures in the EIR.

B01-03

As the stakeholder organization that spearheaded the effort to create the San Joaquin River Parkway and participated in the formation of the Conservancy, we are pleased to see the Conservancy carrying out its mission with this update of the Parkway Master Plan.

B01-04

Thank you for considering these comments. Please contact me at sweaver@riverparkway.org or 559-248-8480 extension 105 if you have questions or need additional information.

Sincerely,

Sharon Weaver
Executive Director

Fresno Audubon Society *...inspiring voices for nature*

June 29, 2017
Melinda Marks, Executive Officer
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno CA 93727

Re: Comments on the Draft EIR for the Update of the San Joaquin River Parkway Master Plan

Dear Ms. Marks:

The Fresno Audubon Society (FAS) was founded in 1966. Its mission is to engage local communities in building a sustainable environment through education, science and advocacy. The Society advocates for the protection of birdlife and the conservation/ restoration of habitat. It is from this perspective that FAS offers the following comments on the Draft EIR prepared for the update of the Parkway Master Plan. B02-01

FAS has had a long and treasured association with the Parkway. For example, in February 1970, FAS members initiated and then helped construct the .5 mile "*Lost Lake Nature Trail*" within Lost Lake Park. The park is one of the best birding locations within the Parkway, and it serves as the physical center for an intensive bird survey conducted once each year by FAS members during the Audubon Christmas Bird Count. B02-02

FAS members have helped identify 23 birding "hot spots" within the Parkway. Those locations are depicted in the National Audubon eBird database (http://ebird.org), a real-time online checklist program launched in 2002 by the Cornell Lab of Ornithology and the National Audubon Society. B02-03

Comments on Master Plan Update – Appendix C: ESA/CESA Compliance Strategy

Appendix C contains an ESA/CESA Compliance Strategy "*White Paper*" prepared by H. T. Harvey and Associates.

Birds present in the Parkway may be affected by individual or cumulative Parkway Plan actions. As the white paper points out, because most birds are protected by the federal Migratory Bird Treaty Act (MBTA) and by the Fish and Game Code, and because there is no mechanism for permitting the incidental take of these species, impacts to birdlife must be avoided at all costs. B02-04

To avoid the potential for adverse effects on bird species and their habitats, H. T. Harvey recommends that the Conservancy develop a long-term "conservation strategy" that not only summarizes conservation priorities and describes a coordinated approach to conservation efforts but also addresses uniform and consistent project-level best management practices that avoid, minimize and/or mitigate potential adverse impacts.

H. T. Harvey further suggests that the conservation strategy be as broad as possible – that it address not only federal/state listed species and species of special concern but also the large number of bird species inhabiting the Parkway that are protected under the MBTA and/or the California Fish and Game Code.

FAS wholeheartedly agrees and strongly encourages the Conservancy to develop a conservation strategy in support of a healthy, contiguous wildlife habitat corridor that integrates migratory bird conservation principles, measures and practices.

B02-05

Comments on Draft EIR – Section 4.4: Biological Resources

Table 4.4-5 in the "Biological Resources" section of the Draft EIR provides an inventory (July 2013) of federal and state special-status species that may inhabit the Parkway.

The table lists the following 14 bird species: bald eagle, golden eagle, Swainson's hawk, northern harrier, American peregrine falcon, white-tailed kite, burrowing owl, long-eared owl, loggerhead shrike, yellow warbler, yellow-breasted chat, tricolored blackbird, yellow-headed blackbird and grasshopper sparrow.

FAS respectfully offers updated information about birdlife within the Parkway.

- Bald eagle — The table states that bald eagles are "*absent as breeder.*" To the contrary, bald eagles successfully raised a brood of chicks this year at Rank Island. This was witnessed by George Folsom, who serves on the boards of both the Fresno Audubon Society and the San Joaquin River Parkway and Conservation Trust.

- Swainson's hawk — The table states that Swainson's hawks are "*absent as breeder*." To the contrary, Swainson's hawks were observed at Ball Ranch by Clary Creager throughout the months of June and July 2016 caring for (feeding) two juveniles. Ms. Creager has taught birding classes for FAS and is now a natural science instructor at the Scout Island Outdoor Education Center (program of the Fresno County of Office of Education).

- Burrowing owl — The table states that burrow owls "may be present" in the Parkway. In fact, burrowing owls have been observed at Lost Lake Park and at Jensen Ranch. On March 30, 2012, personnel from the Department of Fish and Wildlife (then DF&G) set out boundary markers around a site at Lost Lake Park where burrowing owls were occupying ground squirrel burrows. A burrowing owl was observed January 25, 2016 at Jensen River Ranch by George Folsom.

B02-06

In closing, FAS is pleased to provide the attached list of bird species observed within the Parkway boundary over the past 4 ½ years (January 2013 through June 2017). That list of 203 species in 52 families was compiled from the Cornell University eBird database and from the personal records of FAS members.

B02-07

Sincerely,

Robert Snow, PhD
President
Fresno Audubon Society

List of 204 Bird Species Observed within the San Joaquin River Parkway Plan Area From January 2013 through June 2017

Barn Owls
- Barn owl

Blackbirds and Orioles
- Brewer's blackbird
- Brown-headed cowbird
- Bullock's oriole
- Great-tailed grackle
- Hooded oriole
- Red-winged blackbird
- Tricolored blackbird
- Western meadowlark

Bushtits
- Bushtit

Cardinals, Grosbeaks and Buntings
- Black-headed grosbeak
- Blue grosbeak
- Lazuli bunting
- Western tanager

Chickadees and Titmice
- Mountain chickadee
- Oak titmouse

Cormorants
- Double-crested cormorant

Creepers
- Brown creeper

Crows, Magpies and Jays
- American crow
- California scrubjay
- Common raven
- Steller's jay

Cuckoos, Roadrunners and Anis
- Greater roadrunner

Ducks and Geese
- American wigeon
- Blue-winged teal
- Bufflehead
- Cackling goose
- Canada goose
- Canvasback
- Cinnamon teal
- Common goldeneye
- Common merganser
- Gadwall
- Greater white-fronted goose
- Green-winged teal
- Hooded merganser
- Lesser scaup
- Mallard
- Northern pintail
- Northern shoveler
- Redhead
- Ring-necked duck
- Ross's goose
- Ruddy duck
- Snow goose
- Wood duck

Falcons
- American kestrel
- Merlin
- Peregrine falcon
- Prairie falcon

Finches
- American goldfinch
- Evening grosbeak
- House finch
- Lawrence's goldfinch
- Lesser goldfinch
- Pine siskin
- Purple finch
- Red crossbill

Gnatcatchers
- Blue-gray gnatcatcher

Grebes
- Clark's grebe
- Eared grebe
- Pied-billed grebe
- Western grebe

Gulls and Terns
- Bonaparte’s gull
- California gull
- Caspian tern
- Forster's tern
- Herring gull
- Ring-billed gull
- Thayer’s gull

Hawks and Eagles
- Bald eagle
- Cooper's hawk
- Ferruginous hawk
- Golden eagle
- Northern harrier
- Red-shouldered hawk
- Red-tailed hawk
- Rough-legged hawk
- Sharp-shinned hawk
- Swainson's hawk
- White-tailed kite

Herons, Egrets and Bitterns
- American bittern
- Black-crowned night-heron
- Cattle egret
- Great blue heron
- Great egret
- Green heron
- Snowy egret

Hummingbirds
- Anna's hummingbird
- Black-chinned hummingbird
- Rufous hummingbird

Ibises and Spoonbills
- White-faced ibis

Kingfishers
- Belted kingfisher

Kinglets
- Golden-crowned kinglet
- Ruby-crowned kinglet

Larks
- Horned lark

Loons
- Common loon

Mockingbirds and Thrashers
- California thrasher
- Northern mockingbird
- Sage thrasher

New World Quail
- California quail

New World Sparrows

- California towhee
- Chipping sparrow
- Dark-eyed junco
- Fox sparrow
- Golden-crowned sparrow
- Green-tailed towhee
- Lark sparrow
- Lincoln's sparrow
- Rufous-crowned sparrow
- Savannah sparrow
- Song sparrow
- Spotted towhee
- Vesper sparrow
- White-crowned sparrow
- White-throated sparrow

New World Vultures
- Turkey vulture

Nuthatches
- Red-breasted nuthatch
- White-breasted nuthatch

Old World Sparrows
- House sparrow

Old World Warblers
- Wrentit

Ospreys
- Osprey

Owls
- Burrowing owl
- Great Horned owl
- Long-eared owl
- Western Screech-owl

Pelicans
- American white pelican

Pheasants and Grouse
- Ring-necked pheasant

Pigeons and Doves
- Band-tailed pigeon
- Eurasian collared-dove
- Mourning dove
- Rock pigeon

Plovers
- Killdeer

Rails, Gallinules and Coots
- American coot
- Common gallinule
- Sora
- Virginia rail

Sandpipers
- Dunlin
- Greater yellowlegs
- Least sandpiper
- Lesser yellowlegs
- Long-billed curlew
- Long-billed dowitcher
- Spotted sandpiper
- Western sandpiper
- Wilson's snipe

Shrikes
- Loggerhead shrike

Silky-flycatchers
- Phainopepla

Starlings and Mynas
- European starling

Stilts and Avocets
- Black-necked stilt

Swallows
- Barn swallow
- Cliff swallow
- Northern rough-winged swallow
- Tree swallow
- Violet-green swallow

Swifts
- Vaux's swift
- White-throated swift

Thrushes
- American robin
- Hermit thrush
- Swainson's thrush
- Varied thrush
- Western bluebird

Tyrant Flycatchers
- Ash-throated flycatcher
- Black phoebe
- Dusky flycatcher
- Gray flycatcher
- Hammond's flycatcher
- Olive-sided flycatcher
- Pacific-slope flycatcher
- Say's phoebe
- Vermilion flycatcher
- Western kingbird
- Western wood-pewee
- Willow flycatcher

Vireos
- Cassin's vireo
- Hutton's vireo
- Warbling vireo

Wagtails and Pipits
- American pipit

Waxwings
- Cedar waxwing

Wood Warblers
- Black-throated gray warbler
- Common yellowthroat
- Hermit warbler
- MacGillivray's warbler
- Nashville warbler
- Orange-crowned warbler
- Townsend's warbler
- Wilson's warbler
- Yellow warbler
- Yellow-breasted chat
- Yellow-rumped warbler

Woodpeckers
- Acorn woodpecker
- Downy woodpecker
- Hairy woodpecker
- Lewis's woodpecker
- Northern flicker
- Nuttall's woodpecker
- Red-breasted sapsucker
- Red-naped sapsucker
- Yellow-bellied sapsucker

Wrens
- Bewick's wren
- House wren
- Marsh wren
- Pacific wren
- Rock wren

WANGER JONES HELSLEY PC
ATTORNEYS

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH
PETER M. JONES**
STEVEN M. CRASS
JENA M. HARLOS***
MICAELA L. NEAL
NICOLAS R. CARDELLA
ERIN T. HUNTINGTON
STEVEN K. VOTE
JENNIFER F. DELAROSA
LAWRENCE J.H. LIU
N. RICHARD SHREIBA

* Also admitted in Washington
** Of Counsel
*** Also admitted in Wisconsin

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800

FAX
(559) 233-9330

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
jkinsey@wjhattorneys.com

Website:
www.wjhattorneys.com

June 29, 2017

VIA E-MAIL & UNITED STATES MAIL

Melinda Marks
Executive Officer
SAN JOAQUIN RIVER CONSERVANCY
5469 E. Olive Avenue
Fresno, CA 93727

Re: San Joaquin River Parkway Master Plan Update: San Joaquin River Access Coalition's Comments on Draft EIR (State Clearinghouse No. 2013061035)

Dear Ms. Marks:

My law firm represents the San Joaquin River Access Coalition (the "Coalition"), an organization comprised of homeowners who reside west of State Route 41 and north of Nees Avenue within the City of Fresno. I am writing to provide comments on behalf of the Coalition on the Draft Environmental Impact Report, State Clearinghouse No. 2013061035 (the "Draft EIR") for the San Joaquin River Conservancy's ("Conservancy") proposed San Joaquin River Parkway Master Plan Update (the "Master Plan"). B03-01

I. INTRODUCTION

My office has previously submitted comments to the Conservancy on behalf of the Coalition regarding the River West Fresno, Eaton Trail Extension Project (the "River West Project"). The Coalition requests that this letter be considered as a comment letter on both the Master Plan and the River West Project. I am also enclosing for your convenience copies of my prior correspondence on the Draft Environmental Impact Report for the River West Project, as if set forth fully herein, as those comments are also germane to the Draft EIR for the Master Plan (See Exhibits "1" and "2".) B03-02

The Coalition is submitting this comment letter because the Master Plan continues to contemplate potential access at Riverview Drive, and a trail alignment that is far away from the San Joaquin River. (See, e.g., Draft EIR, Figures 3-4, 3-9.) In addition, the Draft EIR for the Master Plan is defective in several material respects, and contains conclusions and analyses that are inconsistent with those stated in the Draft EIR for the Fresno River West Project. As a result, the Draft EIR for the Master Plan should not be certified until it is substantially revised and recirculated for public comment. **B03-03**

As I have previously explained, the Coalition is eager to see access to the San Joaquin River become a reality. The Coalition, however, is disappointed that this important project continues to be delayed due to substantial deficiencies in the environmental review process, and the Conservancy's insistence upon access that is contrary to the City of Fresno's 2035 General Plan.

II.
DISCUSSION

A. The Conservancy Must Revise the Land Use Impacts Analysis to Analyze the Master Plan's Consistency with the City of Fresno 2035 General Plan and Other Plan-Level Documents

1. The Draft EIR Impermissibly Fails to Analyze the Master Plan's Consistency with the City of Fresno's Existing General Plan, and Instead Focuses on an Outdated, Superseded General Plan Adopted in 2002

CEQA requires agencies to evaluate the land use and planning impacts associated with projects proposed under CEQA. In its evaluation of this issue, a lead agency must ask whether the proposed project would: **B03-04**

> Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

(CEQA Guidelines, Appendix G.)

There are several portions of the Draft EIR for the Master Plan that address issues within the scope of the City of Fresno's plan-level documents, including the City's General Plan. While some discussion includes reference to the City's 2035 General Plan Update, other sections of the Draft EIR do not. (See, e.g., Draft EIR at 4.1-5 [aesthetics].) In fact, while the land use analysis refers to the City's 2035 General Plan Update (which was approved in 2014), (Draft EIR

at 4.10-3), the Draft EIR then inexplicably discusses only the City's superseded 2025 General Plan that was adopted in 2002. (See Draft EIR at 4.10-7.)

There are several problems with this approach. First, the 2025 General Plan adopted in 2002) is no longer applicable, and is not part of the existing environmental conditions.

In addition, using a 15-year old, superseded General Plan – rather than the existing 2035 General Plan – is inconsistent with the Conservancy's obligations under State law, which require the Conservancy to conform its project to the City's *existing* land use documents. (See Govt. Code., §§ 53090, 65402; see also *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 880-81.)

Moreover, the Draft EIR for the Master Plans shifts between discussions of the 2025 General Plan and the 2035 General Plan Update. To ensure internally consistent analyses, and an environmental baseline that does not shift between different sections of the Draft EIR, the Draft EIR for the Master Plan should evaluate all impacts against the ***currently operable*** 2035 General Plan Update passed in 2014, as opposed to the stale and inapplicable 2025 General Plan adopted by the City in 2002.

Furthermore, the issue of land use is not treated consistently across the Conservancy's currently-pending environmental documents. Specifically, while the Draft EIR for the Master Plan recognizes the existence of the 2035 General Plan, it does not analyze the Master Plan's consistency with this document, instead focusing solely on the 2025 General Plan adopted in 2002. In contrast, the Draft EIR for the Fresno River West Project analyzes that project's conformity with the 2035 General Plan (although it omits discussion of critical issues, including access restrictions under Policy POSS-7-g). Because both documents are being considered concurrently, and include overlapping factual issues, the documents should be analyzed using the same methodologies and the same set of facts.

B03-04 cont.

To the extent the Conservancy contends the 2035 General Plan was adopted *after* the Notice of Preparation was issued, such a position would be legally erroneous. First, the 2035 General Plan is referenced throughout the document in other areas, and considering the 2035 General Plan in some areas but not others would lead to an internally inconsistent, confusing, and incomprehensible document. In addition, the 2035 General Plan is not a new development; rather, it was enacted ***over two and a half years ago*** in December 2014. Thus, the Conservancy has had over two years to incorporate the policies and objectives of the 2035 General Plan into its Draft EIR, and any argument that the 2035 General Plan should be disregarded would be based solely on the fact that the NOP is stale. Moreover, because the 2035 General Plan policies ***directly contradict*** Alternatives 1 and 5 for Fresno River West (and its incorporation into the Master Plan), the Conservancy cannot argue use of the 2035 General Plan would not change the findings in the Draft EIR with respect to the land use and other impacts of Alternative 1. (*Cf. Citizens for Open Govt. v. City of Lodi* (2012) 205 Cal.App.4th 296, 319.)

2. The Master Plan is Inconsistent with the City's 2035 General Plan & Other Applicable Plan-Level Documents

In its April 13, 2017, submission regarding the Draft EIR for the Fresno River West Project, the Coalition raised extensive concerns regarding the fact that the Fresno River West Project was inconsistent with the City of Fresno's 2035 General Plan Update and the Bullard Area Plan. Most of those comments concerned access at Riverview Drive, which is also contemplated as a potential point of access under the Master Plan. As such, the same comments are applicable to the Draft EIR for the Master Plan. (See Exhibit "A" of Exhibit "1" at 3-6.)

B03-05

3. The Master Plan and Alternatives Nos. 1 & 5 of the Fresno River West Project Are Inconsistent with the City's 2025 General Plan

Even if the 2025 General Plan were the relevant land use document – and it is not – the Master Plans (and Alternatives 1 and 5 of the Fresno River West Project) would be inconsistent with several of those policies:

- Policy F-7-b requires a consultative public planning process, which includes "land owners, and interested members of the community." The process must "be used to achieve the greatest degree of consensus possible in the community in an attempt to meet parkway, local jurisdiction, and landowner needs on mutually acceptable terms." Here, the Master Plan continues to contemplate access at Riverview Drive, despite that virtually all stakeholders – except the Parkway Trust – have expressed a desire to afford the Conservancy access at the Palm & Nees intersection via Alternative 5b.

- Policy F-7-e requires collaboration with the City of Fresno. Here, the Master Plan continues to contemplate access at Riverview Drive, which is opposed by the City of Fresno (and contrary to its 2035 General Plan Update). Rather than engaging in a collaborative process, Alternative 5 was selected by Conservancy staff as *the* Palm and Nees alternative in the Draft EIR, even though the easement underlying the access road requires reciprocal access at Riverview Drive (again, contrary to the wishes of the City of Fresno, and a public record indicating that the underlying landowner is not a willing seller). As such, the Master Plan is not reflective of the collaborative process required by Policy F-7-e.

B03-06

- Objective F-11 requires that agencies such as the Conservancy minimize impacts from parkway facilities and uses upon private property. Here, the Master Plan contemplates potential access at Riverview Drive, yet that access point would contemplate improvements, including a potential roundabout, at the Del Mar/Audubon intersection, which would result in

several residences being removed. (See Exhibit "A" of Exhibit "1" [enclosed traffic report].) In addition, access at Riverview would result in increased traffic at an already dangerous and problematic intersection. The only way to resolve this would be to decline to use Riverview for public vehicular access, and instead use the more logical access point at the existing intersection of Palm and Nees.

- Policy B-3-a requires coordination with relevant agencies and special districts to ensure consistency with Fresno General Plan policies and programs. The Master Plan is inconsistent with this policy because the City's current plan-level documents (adopted in 2014) prohibit vehicular access at Riverview Drive.

- Objective F-11 also requires that intensive recreational activity sites will be distanced from private residences with visual screening. There is nothing in either the Draft EIRs for the Fresno River West Project or the Master Plan that ensures no such impacts would occur; rather, the evidence shows the impacts would be substantial.

B03-06 cont.

4. The Draft EIR Should Be Revised to Discuss the Consistent of The Master Plan with the City of Fresno's San Joaquin River and Bluff Protection Initiative

In 2010, the Fresno City Council adopted the San Joaquin River and Bluff Protection Initiative (the "Initiative"), which governs development along the San Joaquin River between S.R. 99 and S.R. 41. A copy of the Initiative is attached as Exhibit "3." The Initiative includes regulations concerning vehicular access, maintenance of the bluff area, and use of the area by members of the public. The Conservancy is subject to the Initiative under state law. (See Govt. Code., §§ 53090, 65402.) As such, the Conservancy should revise the Draft EIR to discuss the Conservancy's compliance with the Initiative.

B03-07

B. The Traffic Analysis in the Draft EIR is Incomplete and Unsupported by Substantial Evidence, and Must be Revised and Recirculated

The Draft EIR includes a section concerning Transportation and Traffic, which purports to describe "the analysis of transportation conditions to assess potential circulation and traffic related impacts of the" Master Plan. (Draft EIR at 4.15-1.) In support of this analysis, the Conservancy received an "Existing Conditions Report" dated October 2012. Neither of these documents are sufficient to discharge the Conservancy's obligations under CEQA.

B03-08

///

First, the "Existing Conditions" report is outdated, and will be over five years old by the time the Conservancy acts on the Draft EIR and the Master Plan. Since the Existing Conditions Report was prepared, the City of Fresno has adopted a new 2035 General Plan, which concerns much of the area that is the subject of the Existing Conditions Report. Moreover, since the 2012 Existing Conditions Report was prepared, the local economy (which remained largely stagnant following the recession) has made a recovery, and there are several new and proposed developments in the vicinity of the San Joaquin River trail, including but not limited to the Tesoro Viejo development project in Madera County; the Friant Ranch project in the County of Fresno; additional development in the vicinity of Friant, California; additional development along the Copper Avenue corridor; new development between Fresno Street and Audubon Drive on Friant Road; new development in the Palm Bluffs area; and new development between Palm Avenue and Milburn Avenue along the Herndon Avenue corridor. The traffic report as drafted is stale, and should be revised to account for the development that has occurred over the last five years.

B03-08 cont.

The traffic report also focuses unduly on "existing conditions." This is of significant concern because the traffic section in the Draft EIR purports to render conclusions about a comparison of so-called "existing conditions" (which are actually 2012 conditions) against the development under the Master Plans; yet, without an analysis of "future plus project" conditions, there is no factual basis – much less substantial evidence – to support *any* of the conclusions in the traffic section of the Draft EIR.

B03-09

Moreover, although the Draft EIR includes some projections for future traffic generated by the project, there is no indication as to how the Conservancy or its consultants developed these figures. Rather, as with the Draft EIR for the Fresno River West Project, these appear to be generated based on the amount of parking an architect arbitrarily provided for each parking area. In other words, the Draft EIR's traffic analysis is not based on actual demand. As such, there is no evidence to support the trip generation estimates for the Master Plan in the Draft EIR.

B03-10

In addition, the Draft EIR (and the traffic report) contain no analysis of any intersections in the vicinity of the San Joaquin River Trail. Rather, the Draft EIR and the traffic report solely include analyses of roadway segments. As explained in the Smith Report attached to the Coalition's earlier comment letter, this is contrary to both standard engineering practice, as well as the City of Fresno's *Traffic Impact Study Report Guidelines*. (See Exhibit "A" of Exhibit "1" at 2-3.)

B03-11

Further, as explained above, there are numerous instances where the Master Plan is inconsistent with the relevant plan-level documents. (See *supra*, § A.) Most importantly, the Draft EIR is inconsistent with City of Fresno Policy POSS-7-g because it contemplates potential vehicular access at Riverview Drive. (See *id.*) Despite these inconsistencies, Section 4.15.4 of the Draft EIR does not discuss inconsistencies with any plan-level documents, including the City of Fresno's 2035 General Plan.

B03-12

The discussion in the Draft EIR at page 4.15-25 asserts that the Master Plan would not substantially increase hazards due to a design feature. However, the Master Plan contemplates vehicular access at Riverview Drive, which the Conservancy has previously recognized would result in either a roundabout or signalization of the Audubon/Del Mar intersection. (Fresno River West, Draft EIR at 5-16.) In addition to the fact that this mitigation is not feasible, (see Exhibit "A" of Exhibit "1" at 11), a signal would raise significant safety concerns, as the intersection would be shielded visually as motorists accelerate downhill from the S.R. 41 overpass, (*id.*), and would be adjacent to the driveways of several residences.

B03-13

C. The Draft EIR's Discussion of Air Quality Impacts and Mitigation Is Incomplete and Contrary to Law

The Draft EIR recognizes that development under the Master Plan would result in criteria pollutant emissions above the thresholds of significance adopted by the San Joaquin Valley Air Pollution Control District (the "District"). (Draft EIR at 4.3-31.) Specifically, the Conservancy contemplates an increase in criteria pollutant emissions associated with project operations in the amount of 28.79 tons per year ("TPY") of reactive organic compounds ("ROG"),[1] 17.44 TPY of oxides of nitrogen ("NOx"),[2] and 80.90 TPY of carbon monoxide ("CO").[3] (*Id.*)

B03-014

---

[1] Reactive organic gases ("ROG") are photochemically reactive chemical gases, "composed of non-methane hydrocarbons, that may contribute to the formation of smog." (California Air Resources Board, *Glossary of Air Pollution Terms*, *available at* https://www.arb.ca.gov/html/gloss.htm#R.)

[2] NOx is the most important smog-forming emission from man-made sources in some areas of California, including the San Joaquin Valley. Progress in reducing smog depends largely upon reductions in NOx emissions, which are considered "major contributors to smog formation and acid deposition." (17 Cal. Code Regs., § 93118(d)(19).) NOx contributes to the formation of ground-level ozone (smog) in the San Joaquin Valley. (*Calif. Building Indus. Assoc. v. San Joaquin Valley Air Pollution Contr. Dist.* (2009) 178 Cal.App.4th 120, 126.) The San Joaquin air basin does not meet the federal ozone standard required under the Clean Air Act; the area was recently designated by the EPA as "extreme" non-attainment for ozone under the federal National Ambient Air Quality standards. (75 Fed. Reg. 24409.)

[3] According to the California Air Resources Board, "Carbon monoxide (CO) is a colorless, odorless gas," that "results from the incomplete combustion of carbon-containing fuels such as gasoline or wood, and is emitted by a wide variety of combustion sources." "Exposure to CO near the levels of the ambient air quality standards can lead to fatigue, headaches, confusion, and dizziness. CO interferes with the blood's ability to carry oxygen," and "is especially harmful to those with heart disease, because the heart has to pump harder to get enough oxygen to the body." (California Air Resources Board, *Carbon Monoxide*, *available at* https://www.arb.ca.gov/research/aaqs/caaqs/co/co.htm.)

The Draft EIR likewise anticipates emissions of NOx and CO associated with construction will exceed District thresholds of significance. (Draft EIR at 4.3-28.)

The Draft EIR ultimately concludes the impacts will remain "significant and unavoidable" after mitigation, (Draft EIR at 4.3-33), both at a project level and cumulatively. (See also Draft EIR at 4.3-36.) The Draft EIR also recognizes the Master Plan "would conflict with or obstruct implementation" of the District's "applicable air quality plan." (Draft EIR at 4.3-23.) Although these emissions will cumulatively exceed the District's thresholds, the only "mitigation" contemplated is for the Conservancy to evaluate air quality impacts before the commencement of individual construction projects, and complying with District's regulations for individual projects.

B03-14 cont.

There are several significant concerns with this approach. First, approaching air quality issues on a project-by-project basis will result in applications to the District that, individually, are unlikely to exceed District thresholds. This, of course, would result in little to no mitigation of the projects' significant impacts. To avoid piecemealing, the Conservancy must identify and propose mitigation to bring the impacts of the project, as a whole, down to a less than significant level.

B03-15

In addition, the District's approach defers analysis, and the identification and implementation of mitigation, which is impermissible under CEQA. (See, e.g., *Calif. Clean Energy Comm'n v. City of Woodland* (2014) 225 Cal.App.4th 173, 195; *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 740; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119.)

B03-16

Moreover, the Conservancy cannot make the finding that the impacts of the Master Plan would be "significant and unavoidable." Specifically, CEQA requires that an EIR propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR. (Pub. Resources Code, §§ 21102.1, subd. (a); 21100, subd. (b)(3).) The lead agency has the burden of demonstrating that the mitigation measure will be effective in remedying the environmental effect, (see, e.g., *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95), and may not rely upon mitigation measures that are so undefined that it is impossible to gauge their effectiveness. A lead agency also may not rely upon vague or incomplete mitigation measures as a means to avoid evaluating and disclosing project impacts. (*Stanislaus Nat'l Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 195.)

B03-17

In this case, there are numerous potential methods to mitigate the potential impacts of the Master Plan that are not identified as potential mitigation in the Draft EIR. For example, the Master Plan appears to be subject to the District's Rule 9510, Indirect Source Review ("ISR"), because it contemplates the development of over 20,000 square feet of recreational space. (See Rule 9510, Rule 2.1.9.) The ISR allows an applicant to reduce emissions of certain criteria pollutants, including PM10 and NOx. Despite this, there is no commitment on the part of the

B03-18

Conservancy to comply with ISR, nor is there any discussion of what emissions under the Master Plan would be compliant with ISR. **B03-18 cont.**

In addition, the Conservancy may also enter into a Voluntary Emissions Reduction Agreement ("VERA") with the District to reduce its emissions to a less than significant level or to zero. As explained by the District:

> In addition to reducing a portion of the development project's impact on air quality through compliance with District Rule 9510, a developer can further reduce the project's impact on air quality by entering into a VERA with the District to address the mitigation requirements under California Environmental Quality Act (CEQA). Under a VERA, the developer may fully mitigate project emission impacts by providing funds to the District, which funds are then used by the District to administer emission reduction projects on behalf of the project proponent. **B03-19**

(See San Joaquin Valley Air Pollution Control District, 2013 Annual Report, Indirect Sources Review Program at 1, *available at* https://www.valleyair.org/ISR/Documents/3_ATT_ISR-Corrected-Annual-Report-2012-2013_12-19-13.pdf.)

Thus, feasible mitigation exists to reduce the impacts of the Master Plan to a less than significant level, and the Conservancy cannot find the Master Plan's impacts would be significant and unavoidable.

D. The Draft EIR Must Be Augmented to Identify and Propose Additional Mitigation to Reduce the Master Plan's Recognized Greenhouse Gas Emissions and Climate Change Impacts

The Draft EIR also finds development under the Master Plan would result in significant and unavoidable climate change impacts, as the project "would result in a substantial increase in GHG emissions and would not achieve a 29 percent reduction from [business as usual]." (Draft EIR at 4.7-23.) Despite this, the Draft EIR for the Master Plan does not identify and propose mitigation for greenhouse gas emissions. Again, CARB provides that "the agency undertaking or permitting [a] project must impose all feasible mitigation" where "a project will have significant environmental impacts . . . ." (California Department of Justice, *Mitigation for Greenhouse Gas Emissions*, *available at* https://oag.ca.gov/environment/ceqa/measures; see also Pub. Resources Code, §§ 21102.1, subd. (a); 21100, subd. (b)(3).) Mitigation measures to reduce greenhouse gas emissions exist. (See *Mitigation for Greenhouse Gas Emissions*, *supra*.) As such, the Draft EIR for the Master Plan must identify and propose additional mitigation to avoid the significant greenhouse gas emissions identified in the Draft EIR. **B03-20**

E. The Draft EIR Does Not Adequately Address the Potential Public Services and Recreation Impacts Associated with the Master Plan

The Coalition has previously expressed concern about the public health, safety, and aesthetic impacts associated with the lack of funding for the operation and maintenance of the San Joaquin River Trail. These concerns have not been addressed. Rather, the Conservancy's Executive Director has advised that funding does not presently exist for the operation and maintenance of the Fresno River West Project, but this is an issue "outside" the Draft EIR.

B03-21

This is inaccurate. While the issue of funding, in a vacuum, may not itself be an environmental impact, economic issues that result in "physical impacts" must be addressed. (CEQA Guidelines, § 15131(a); *Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1215].) Here, if there is no funding for upkeep of the trail, or funding to provide essential police and fire services for the trail system, that lack of funding could result in physical impacts, which must be addressed in the Draft EIR:

Fire Protection. As explained previously, the bluff and river areas beneath the neighborhood where most of the members of the Coalition reside are regularly used for unpermitted camping. Frequently, individuals using the river bottom for camping set fires that are not properly monitored or controlled and present a danger to local residents. For example, on July 2, 2009, a bluff fire burned an 11.9-acre area, destroying one home and damaging two others. The fire took four hours to contain, and another two hours to control. While no individuals were injured, approximately 25 residential structures were put at risk. Such fires not only endanger residents and structures within the surrounding neighborhoods, but also natural resources. The addition of parking within those neighborhoods would increase these impacts. The Draft EIR for the Master Plan does not discuss how the Conservancy would avoid numerous potential impacts associated with fires if the Conservancy is unable to adequately fund necessary fire protection activities, including:

B03-22

- The potential for fires to damage riparian habitat.
- The potential for fires to damage or destroy homes and other private property within the vicinity of the trails.
- The potential for fires to destroy aesthetic resources, including riparian habitat and trees.

The Draft EIR for the Master Plan should be revised and recirculated to discuss impacts associated with fires, particularly given that no funding source has been identified to maintain adequate levels of fire protection services.

Police Services. Vandalism and encampments continue to be a significant concern to residents within adjacent neighborhoods. As access to the San Joaquin River Trail increases, these impacts will likewise increase. Indeed, other communities with river trails have experienced an increase in the incidences of such issues.[4] Despite this, the Draft EIR simply states without explanation there will be "less than significant" environmental impacts. The Draft EIR should be revised and recirculated to discuss these important impacts to public safety that directly affect members of the Coalition, the likelihood and sources of funding for such services, and the impacts if such funding is unavailable. **B03-23**

Aesthetics and Urban Decay. It is presently unclear how trail maintenance and repair will be funded. Without an adequate funding stream, it is likewise unclear how the Conservancy will ensure the trail will not fall into disrepair and result in an eyesore, or experience incidences of urban decay such as trash, weeds, graffiti, and vandalism (all of which are presently issues of concern).[5] Because no funding source has been identified, and it is unclear how the Conservancy will maintain the trail, the Draft EIR should be revised to address the potential environmental effects that would result from the inability of the Conservancy to fund regular maintenance and upkeep of the trail. **B03-24**

As such, the Draft EIR for the Master Plan should be revised to address the potential that the Conservancy have not have sufficient funding for the upkeep of the trail, as well as fire and police services for the trail. **B03-25**

F. The Master Plan Reveals the Conservancy is Seeking to Piecemeal Environmental Review for the Fresno River West Project by Omitting Foreseeable Improvements Near the Palm & Nees Intersection

As part of a lead agency's analysis under CEQA, the environmental review accompanying the first discretionary approval must evaluate the impacts of the ultimate development; this prevents agencies from piecemealing the CEQA process – *i.e.*, chopping up a large project into smaller pieces to avoid full environmental disclosure. (See, e.g., CEQA Guidelines, § 15003(h); *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283.) Thus, the initial study must consider all phases of project planning, implementation, and operation, including phases **B03-26**

---

4 See, e.g.,; http://www.sacbee.com/news/local/article156648019.html (June 16, 2017); http://www.sacbee.com/news/investigations/the-public-eye/article148678849.html (May 6, 2017); http://fox40.com/2017/06/19/park-rangers-some-pelted-by-rocks-on-american-river-parkway/ (June 19, 2017); http://sacramento.cbslocal.com/2016/08/19/machete-stabbing-on-american-river-parkway-has-sacramento-cyclists-concerned/ (August 19, 2016); http://www.kcra.com/article/illegal-camping-sparks-concerns-about-fires-along-american-river-parkway/6422755 (May 26, 2015).

5 See *id.*

planned for future implementation. (CEQA Guidelines, § 15063(a)(1).) A lead agency may not limit environmental disclosure by ignoring the development of other activity that will ultimately result from an initial approval. (*City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325.) Thus, an environmental document must include analysis of future actions and/or expansion where (i) it is a reasonably foreseeable consequence of the project, and (ii) the future action and/or expansion will significantly change the scope or nature of the project or its environmental effects." (*Laurel Heights Impr. Ass'n v. Regents of Univ. of Calif.* (1988) 47 Cal.3d 376; see also *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690.)

B03-26 cont.

In this case, the Draft EIR for the Master Plan suggests that part of the Fresno River West Project would include an opportunity for a canoe launch, as well as upgrades to Spano Park and a vista overlook. (See Draft EIR at 3-37.) Importantly, because a canoe launch is only feasible at Palm & Nees, and upgrades to Spano Park will facilitate improvements to access points at Palm & Nees (including Alternative 5b), these improvements highlight why access at Palm & Nees is preferable to access at Riverview Drive. Because these improvements are reasonably foreseeable components of the Fresno River West Project, and are important components for purposes of which alternative the Conservancy should select for Fresno River West, the Draft EIR for the Fresno River West Project should be augmented to include these future improvements.

B03-27

G. Consistent with CEQA, the Draft EIR for the Master Plan Does Not Include "Environmental Justice" as an Alleged Environmental Impact

The Draft EIR for the Fresno River West Project inaccurately suggests the project would have potentially significant "environmental justice" impacts because of alleged lack of access by disadvantaged communities to the San Joaquin River Trail. In the Coalition's April 13, 2017, comment letter, the Coalition noted that while "environmental justice" may be considered in other context in the CEQA process, "environmental justice" is not itself an environmental impact cognizable under CEQA.[6] This argument is supported by the fact that the Draft EIR for the Master Plan – which was prepared by an independent environmental consultant – does not include "environmental justice" as a point of discussion in that document. To maintain consistency

B03-28

---

[6] CEQA requires analysis of "physical impacts" on the environment. (See CEQA Guidelines, § 15604(d) [requiring agencies to "consider direct ***physical*** changes in the environment which may be caused by the project…"].) "Environmental justice," in contrast, means "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12, subd. (e).) To the extent such alleged impacts are implicated by the Fresno River West Project – and, as explained below, they are not – such impacts are at most "[e]conomic and social changes," which CEQA expressly states "***shall not*** be treated as significant effects on the environment." (CEQA Guidelines, § 15604(e) [emphasis added].)

between the two EIRs, the Draft EIR for the Fresno River West Project should be revised by removing the "environmental justice" discussion as a discrete environmental impact (along with the Alternatives discussion that is based largely on "environmental justice" impacts), and recirculate the document for public review.[7]

B03-28 cont.

H. The Master Plan Should Be Revised to Consider Additional Points of Access Between the Palm & Nees Intersection and the Bluff Point Golf Course

Representatives of the Conservancy and the Trust have on numerous occasions suggested that access at Riverview is necessary to ensure access to the trail from the City of Fresno to avoid an "environmental justice" impact. The Coalition disagrees with this viewpoint, as access currently exists at Woodward Park, and a far better potential point of access exists at Palm and Nees. The Coalition also disagrees that "environmental justice" is itself an environmental impact under CEQA, as explained above. However, to the extent the Conservancy could argue the viewpoints expressed in the Draft EIR for the Fresno River West Draft EIR are accurate, the proposed plan does not contemplate ***any*** potential access from the Fresno side of the San Joaquin River between the Palm & Nees intersection and the Bluff Point Golf Course, which is over six miles away by vehicle. (See Exhibit "4.") Thus, instead of continuing to contemplate access through Riverview Drive, the Conservancy should instead explore access in areas presently served by public roads that are currently used for access to commercial and educational land uses.[8]

B03-29

I. Section 1.7 Does Not Identify All Known Areas of Controversy

Section 15123 of the CEQA Guidelines provides that an EIR must contain a summary of the "Areas of controversy known to the Lead Agency including issues raised by agencies and the public . . . ." (CEQA Guidelines, § 15123.) This discussion is contained in Section 1.7 of the Draft EIR for the Master Plan. One of the core areas of controversy in this case relates to the Conservancy's level of cooperation with relevant local governments, including its member agencies. This includes the fact that none of the access points studied in the Draft EIR for the Fresno River West Project are consistent with the City of Fresno's 2035 General Plan.

B03-30

---

[7] In addition to the fact that environmental justice is not itself an environmental impact, this discussion uses an inaccurate and erroneous baseline, as it is not based on a comparison of current conditions (the environmental baseline) against post-project conditions. Rather, although not directly stated, the argument in the DEIR appears to be that access for disadvantaged communities would allegedly be better under an alternative than under post-construction conditions under the Project. This approach, of course, if contrary to CEQA. (CEQA Guideline, § 15125(a); *Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549.)

[8] For example, it is unclear why parking and public access are not contemplated for Scout Island.

Despite the City's requests, the Conservancy initially expressed strong opposition to the augmentation of the Draft EIR. It was not until the Mayor and the City Manager attended a Conservancy meeting, and agreed to pay for the analysis of alternative access points that the Conservancy finally agreed to allow the augmentation of the Draft EIR. Moreover, the Conservancy continues to consider Alternatives 1 and 5 as potentially alternative, even though those alternatives are inconsistent with the City's 2035 General Plan, and the City has opposed those points of access. Despite this, section 1.7 of the Draft EIR does not identify the role of local land use agencies as an area of controversy. **B03-31**

It is important to augment this section, and to revise the Draft EIR accordingly, because – for all future projects under the Master Plan – the Conservancy will need to work with local land use agencies regarding important issues such as access and public services. If the Conservancy's intent is simply to override the concerns of the relevant local agencies, this is a highly relevant fact that should be examined in greater detail in both the land use section of the Draft EIR and the Master Plan itself. In addition to augmenting the Draft EIR, the Master Plan itself should be modified to clarify the Conservancy's position, and to account for and address the likelihood for such disputes. **B03-32**

In addition the Supreme Court has made clear that, where there are competing views regarding the scope of another agency's jurisdiction, an agency cannot simply ignore the issue. (See *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 940.) Rather, the EIR must acknowledge the controversy and the competing views, and explain how those competing views would affect mitigation and project alternatives. (*Id.*) Because both the Draft EIR for the Master Plan and the Draft EIR for Fresno River West ignore important policies in the City's 2035 General Plan relating to access at Riverview, the Conservancy has failed to comply with the Supreme Court's plain mandate. **B03-33**

III.
CONCLUSION

While the Coalition is eager to see access to the San Joaquin River become a reality, the Draft EIR for the Master Plan is defective in several material respects, and contains conclusions and analyses that are inconsistent with those stated in the Draft EIR for the Fresno River West Project. Accordingly, the Draft EIR for the Master Plan should not be certified until it is substantially revised and recirculated for public comment. **B03-34**

Thank you for your consideration of the important issues raised in this letter.

Respectfully submitted,

John P. Kinsey

San Joaquin River Parkway Master Plan Update: San Joaquin River Access Coalition's Comments on Draft EIR (State Clearinghouse No. 2013061035)

EXHIBIT "1"

WANGER JONES HELSLEY PC
ATTORNEYS

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH
PETER M. JONES**
JENA M. HARLOS***
MICAELA L. NEAL
ERIN T. HUNTINGTON
STEVEN K. VOTE
JENNIFER F. DELAROSA
LAWRENCE J.H. LIU

* Also admitted in Washington
** Of Counsel
*** Also admitted in Wisconsin

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800

FAX
(559) 233-9330

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
jkinsey@wjhattorneys.com

Website:
www.wjhattorneys.com

April 13, 2017

VIA E-MAIL melinda.marks@sjrc.ca.gov & OVERNIGHT COURIER

Melinda Marks
Executive Officer
SAN JOAQUIN RIVER CONSERVANCY
5469 E. Olive Avenue
Fresno, CA 93727

Re: River West Fresno, Eaton Trail Extension Project: San Joaquin River Access Coalition's Comments on Draft EIR (State Clearinghouse No. 2014061017)

Dear Ms. Marks:

As you are aware, my law firm represents the San Joaquin River Access Coalition (the "Coalition"), an organization comprised of homeowners who reside west of State Route 41 and north of Nees Avenue within the City of Fresno. I am writing on behalf of the Coalition to provide comments on the Draft Environmental Impact, State Clearinghouse No. 2014061017 (the "DEIR") for the San Joaquin River Conservancy's (the "Conservancy") River West Fresno, Eaton Trail Extension Project (the "Project"). I have also enclosed an analysis of traffic and transportation issues associated with the Project by Daniel T. Smith of Smith Engineering & Management. (See Exhibit "A" [the "Smith Report"].)

I. INTRODUCTION

The Coalition. As the residents closest to the proposed Project, the members of the Coalition are the members of the public most directly impacted by the Conservancy's consideration of the Project. As a result, members of the Coalition have been active in providing input on the Project since its inception. Through the process to date, the Coalition has made plain that it does not necessarily oppose the extension of the Eaton Trail west to Palm Avenue (and beyond); however, the Coalition has significant concerns regarding both the implementation of the Project, as well as access through the neighborhood.

The Conservancy Should Not Consider Alternative 1. The Coalition is encouraged that the "Project" as described in the DEIR no longer includes parking accessible through the neighborhood via the Del Mar/Audubon intersection, which is consistent with the City of Fresno's 2035 General Plan Update (the "2035 GPU"). The Coalition is concerned, however, that this access continues to be considered as an alternative (Alternative 1), despite the neighborhood's concerns and the plain mandate of the City of Fresno. The Coalition is likewise concerned that the analysis in the DEIR appears to encourage consideration of Alternative 1 by the Conservancy Board by, *inter alia*, inaccurately suggesting the Project would have "environmental justice" impacts (which is not an environmental impact cognizable under CEQA, and which in any event is based on legally and factually erroneous assumptions), by failing to acknowledge Alternative 1 is infeasible (because it conflicts with the 2035 General Plan adopted by the City, and thus cannot legally be implemented by the City under State Planning and Zoning Law), and by failing to adequately address Alternative 1's significant environmental effects (including traffic and the direct conflict with the 2035 General Plan). Stated simply, the Conservancy cannot legally approve Alternative 1, and the Coalition strongly objects to its inclusion as a project alternative in the DEIR.

The Coalition Prefers a Combination of Alternatives 3 and 5, Option 5b. The Coalition strongly prefers some iteration of Alternative 3, which would not only bring the public closer to the resource at issue – the San Joaquin River – but would be consistent with the City's 2035 General Plan Update. Moreover, while the Coalition does not agree that environmental justice is an environmental impact cognizable under CEQA, to the extent the Conservancy has concerns about access, these concerns would be more appropriately resolved by adopting the alternative that is referred to as Alternative 5, Option 5b.[1]

Option 5b Must Be Presented as a Solution. For reasons that are unclear, the Conservancy did not study Alternative 5, Option 5b. As the Conservancy is aware, the landowner whose property could be used for Option 5b has expressed a willingness to have that property used for parking for the Project. To the extent the Coalition contends it cannot consider Option 5b because it was not formally evaluated as a project alternative, the Conservancy would violate CEQA by failing to consider and analyze reasonable, feasible alternatives to the Project.

In sum, the Coalition prefers a combination of Alternatives 3 and 5 (Option 5b). In addition, the Coalition objects to the Conservancy's consideration of any version of Alternative 1, which the Conservancy cannot legally consider without substantially revising the analysis in the DEIR.

---

[1] Alternative 5, Option 5b is feasible, can be achieved at the least expense, and would best fit the needs of all stakeholders.

II.
DISCUSSION

A. Alternative 1 Would Have Significant Land Use and Planning Impacts that Are Not Discussed or Analyzed in the DEIR

Failure to Analyze Alternative 1's Inconsistency with Policy POSS-7-g. CEQA requires agencies to evaluate the land use and planning impacts associated with projects proposed under CEQA. In its evaluation of this issue, a lead agency must ask whether the proposed project would:

> Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

(CEQA Guidelines, Appendix G.)

Consistent with this requirement, the DEIR evaluates various applicable planning documents issued by a range of agencies, including the San Joaquin River Parkway Master Plan and the City of Fresno's 2035 GPU. (See, e.g., DEIR at 3-146.) The DEIR specifically evaluates the Project against the policies stated in the 2035 GPU, and finds that the Project described in the DEIR is consistent with the 2035 GPU. (See DEIR at 3-147 – 3-150.)

Notably, the City of Fresno's 2035 GPU contains Policy POSS-7-g, which was specifically adopted to lessen traffic impacts to the Del Mar/Audubon intersection and nearby facilities, and requires consideration of parking near Spano Park/Palm & Nees intersection

> **POSS-7-g** **San Joaquin River Parkway - River West Fresno Project Area.** Support the extension of the Lewis Eaton Trail into the River West Fresno Project Area consistent with the San Joaquin River Parkway Master Plan and the following criteria:
>
> - Public access into the River View Drive Area/Neighborhoods should be limited to cyclists and pedestrians with the exception of public safety, circulation, and/or other governmental/support service provider vehicles.
>
> *Commentary: Limitations on vehicular access through Commentary: the River View Drive Area/Neighborhoods are not intended to restrict vehicular access to the neighborhoods themselves. Public right-of-way held by the City for public street*

> *purposes will remain accessible to the public consistent with the requirements of the California Vehicle Code.*
>
> . . . .
>
> - Additional public parking should be located under and/or adjacent to the old San Joaquin Bridge and State Route 41 corridor.
>
> - The feasibility of additional public parking and equestrian trailer parking near Spano Park should be considered and fully evaluated.
>
> . . . .
>
> - The trail alignment should, at the greatest extent possible, be located along and/or near the river for maximum public enjoyment, view and access to the river by all users, and to allow for the best possible fire and public safety buffer for adjacent property owners while also taking into consideration environmental impacts, design and maintenance costs, historical and required water flows and flooding, and/or other events that result in increases to water levels.
>
> - Full development or public access should be avoided until adequate and sustainable funding needed to support annual operations and maintenance has been identified.
>
> - The San Joaquin River Bluff and Protection Ordinance should be implemented prior to the completion of the project.

(2035 GPU at 5-38.)

The DEIR recognizes that the 2035 GPU limits access at River View Drive to cyclists and pedestrians, (see DEIR at 3-147), and finds that the impacts of the Project are "less than significant" because, *inter alia*, "[t]he project would include public pedestrian and bicycle access to the project site via an existing entrance to the bluff Trail at River View Drive." (DEIR at 3-149.)

Despite recognizing the need to evaluate the Project against the 2035 GPU, and in particular Policy POSS-7-g, the DEIR takes an entirely different tack with respect to the analysis of Alternative 1. Although Alternative 1 flatly contradicts 2035 GPU Policy POSS-7-g by including "[v]ehicle access . . . via West Riverview Drive," and instead exploring additional parking at "Spano Park," the DEIR's analysis of Alternative 1 somehow reaches the conclusion that "**No impact** would occur." (DEIR at 5-14.) This analysis is not only inconsistent with the facts, but inconsistent with the analysis performed in the DEIR for the Project itself. (*Cf.* DEIR

at 3-147, 3-149.) Stated simply, Alternative 1 specifically and directly contravenes Policy POSS-7-g in the City's 2035 GPU. Because Alternative 1 is entirely inconsistent with Policy POSS-7-g, the DEIR must be revised to recognize the fact that Alternative 1 will cause significant land use impacts. Moreover, if the Conservancy seeks to consider Alternative 1 for approval, it cannot do so without recirculating the DEIR and identifying mitigation to reduce these land use impacts to a less-than-significant level.[2]

Alternative 1 Is Infeasible. California's Planning and Zoning Law ("PZL") requires that all municipalities adopt a general plan, and that its subsequent decisions are consistent with the general plan. (Govt. Code, § 65300.) Thus, a subsequent project that is *not consistent* with a charter city's general plan gives rise to a *presumption* that the project approval constitutes an abuse of discretion. (See, e.g., *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 414-15.) A "project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*Corona-Norco*, *supra*, 17 Cal.App.4th at 994.) While perfect conformity may not be required, "a project ***must*** be compatible with the objectives and policies of the general plan." (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 [emphasis added] [citing *Families Unafraid to Uphold Rural etc. County v. Board of Supers.* (1998) 62 Cal.App.4th 1332, 1336].) "A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear." (*Endangered Habitats*, *supra*, 131 Cal.App.4th at 782 [citing *Families Unafraid*, *supra*, 62 Cal.App.4th at 1341-42].)

///

---

[2] We understand the Conservancy may contend the 2035 General Plan was adopted *after* the Notice of Preparation was issued, and therefore the Conservancy is not required to consider the 2035 General Plan was part of the environmental baseline. Such a position would be legally erroneous for several reasons. First, the 2035 General Plan is referenced throughout the document in other areas, and considering the 2035 General Plan in some areas but not others would lead to an internally inconsistent, confusing, and incomprehensible document. In addition, the 2035 General Plan is not a new development; rather, it was enacted ***over two years ago*** in December 2014. Thus, the Conservancy has had over two years to incorporate the policies and objectives of the 2035 General Plan into its DEIR, and any argument that the 2035 General Plan should be disregarded would be based solely on the fact that the NOP is stale. Moreover, because the 2035 General Plan policies ***directly contradict*** Alternative 1, the Conservancy cannot argue use of the 2035 General Plan would not change the findings in the DEIR with respect to the land use and other impacts of Alternative 1. (*Cf. Citizens for Open Govt. v. City of Lodi* (2012) 205 Cal.App.4th 296, 319.) Further, to the extent the Conservancy seeks to rely upon approvals by the City for infrastructure, it cannot obtain those approvals without creating a vertical inconsistency between the approval and the 2035 General Plan, which would violate State Planning and Zoning Law, Government Code, § 65000, *et seq.*

Alternative 1 would require subsequent approvals by the City of Fresno, including certain roadway improvements. The City, however, could not provide such approvals because those approvals would be inconsistent with the City's 2035 General Plan, and thus contrary to PZL. As a result, the DEIR has not established that Alternative 1 is feasible, or that it may be considered for approval by the City.

Neither the Project nor the Alternatives Comply with Policy POSS-7-g's Mandate to Provide Funding in Advance of Development and Public Access. Policy POSS-7-g specifically provides that "[f]ull development or public access should be avoided until adequate and sustainable funding needed to support annual operations and maintenance has been identified." This requirement is designed to ensure the Eaton Trail expansion will not result in health and safety impacts, or fall into blight conditions through disrepair. Despite this, the DEIR entirely ignores this policy. As a result, prior to the certification of the DEIR, the Conservancy must identify adequate and sustainable funding for the trail expansion.

Alternative 1 Would Contravene San Joaquin River Parkway Master Plan Policies. As explained *infra*, San Joaquin River Parkway Master Plan Policy LP2 provides that "[n]o land shall be acquired for the Parkway by the San Joaquin River Conservancy by the exercise of eminent domain." Despite this, the mitigation proposed in Alternative 1 would encroach upon several residential properties, and would thus directly contravene this policy of the Master Plan. (See *infra*, § B(4).)

Alternative 1 would also contravene other policies stated within the Master Plan, including:

- By routing traffic through Riverview Drive, exacerbating already congested conditions on Audubon Drive and the Del Mar/Audubon intersection, and exacerbating hazardous conditions, (see, e.g., *infra* § B(4)), Alternative 1 would be contrary to Master Plan Policy FG6, which requires that Conservancy land use and management policies "enhance the quality of life of . . . residents" of the Fresno-Madera metropolitan area.

- Master Plan Policy RTP5 provides that "[o]ffsite improvements needed for access to and from Parkway facilities shall be designed in accordance with standards of the applicable local jurisdiction(s)." However, Alternative 1 flatly contradicts the City of Fresno's 2035 General Plan, contemplates the installation of facilities the City of Fresno does not support, and would contemplate encroachment onto private residential properties. (See *infra*, § B(4).)

- Because there is no evidence in support of projected parking demand, the Conservancy cannot make a finding that Alternative 1 is consistent with Master Plan Policy RPP1, which requires the Conservancy to "avoid[]

excess parking which would increase environmental impacts of construction and promote overuse of the site."

- Instead of promoting "alternative transportation access to the Parkway," Alternative 1 routes vehicular traffic through a residential neighborhood, rather than areas with existing alternative transportation access (such as Woodward Park and the Palm/Nees intersection), contrary to Master Plan Policies RPC4, RTPP1, and RTPP2.

Alternative 1 Violates Several Policies of the Bullard Community Plan. Although the DEIR discusses some aspects of the City of Fresno's 2025 and 2035 General Plans, it does not discuss the 1988 Bullard Community Plan ("BCP"), which remains in effect. For this reason alone, the Land Use discussion in the DEIR is deficient, particularly given that many of the policies in the BCP relate directly to the development of the San Joaquin Riverbottom. In addition, however, Alternative 1 is inconsistent with several policies and goals of the Bullard Community Plan, including:

- Alternative 1 does not protect the integrity of established neighborhoods because it routes significant non-residential traffic through Riverview, and overburdens presently impacted facilities, including Audubon Drive. (See BCP Goal 4.1.2(2).) The proposed mitigation for Alternative 1 would also violate this policy because it would require the physical taking of residential properties, and increase noise at the Del Mar/Audubon intersection associated with vehicles accelerating and decelerating. (See *infra*, § B(4).)

- Alternative 1 does not provide for safe neighborhoods free from excessive traffic and noise. (See BCP Goal 4.1.2(4).) Rather, it routes non-residential traffic through the neighborhood, and exacerbates safety concerns at the Del Mar/Audubon intersection and Briar Court approach. Similarly, the proposed mitigation would cause additional noise through the installation of new facilities at Del Mar/Audubon associated with vehicles accelerating and decelerating. (See *infra*, § B(4).)

- Instead of providing "for the efficient movement of vehicular traffic," as required under BCP Goal 4.5.8(1), Alternative 1 routes non-residential traffic through residential neighborhoods, and places increased burdens on an impacted facility, Audubon Drive.

- BCP Goal 4.5.8(2) was designed to "discourage[] . . . traffic on the local residential street system," yet Alternative 1 would route additional vehicle trips through Del Mar Avenue and Riverview Drive.

- Routing non-residential traffic through Del Mar Avenue and Riverview Drive is inconsistent with BCP Policy 4.5.9(7), which provides that "[l]ocal residential streets shall be designed to discourage through and/or non-residential traffic."

- Alternative 1 frustrates BCP Goal 5.1.2(2), which provides for "access to the riverbottom . . . while minimizing intrusion on existing residences and other activities on private property." Instead of furthering this Goal, Alternative 1 (i) increases intrusions on residences by diverting traffic through a residential neighborhood and (ii) identifying mitigation measures that would physically intrude upon private residences. (See, e.g., *infra*, § B(4).)

The Only Alternative that Does not Wholly Conflict With Policy POSS-7-g is Alternative 3. 2035 GPU Policy POSS-7-g provides that the "trail alignment should, at the greatest extent possible, be located along and/or near the river for maximum public enjoyment, view and access to the river by all users, and to allow for the best possible fire and public safety buffer for adjacent property owners . . . ." This policy was specifically designed to lessen fire and public safety impacts, and to enhance the aesthetic experience of trail users. None of the alternatives comply with this policy, with the sole exception of Alternative 3. Despite this, DEIR does not contain any discussion regarding the failure of the Project (or any alternative other than Alternative 3) to comply with Policy POSS-7-g. To the extent the Conservancy seeks to consider a version of the project other than Alternative 3 (or Alternative 3 in conjunction with another alternative), the DEIR must be augmented to (i) analyze the inconsistency between the Project, and Alternatives 1-2 and 4-5 with Policy POSS-7-g, (ii) recognize the new significant impact, and (iii) identify feasible mitigation to avoid the inconsistency. Following this analysis, the DEIR would need to be recirculated for public review. (See, e.g., *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449 [recirculation required for newly identified potentially significant impact].)

As such, any version of the Project that is approved must contain the trail alignments contemplated in Alternative 3.

B. The DEIR's Analysis of Traffic is Unsupported By the Evidence, and is Legally Deficient

1. The DEIR's Conclusions Regarding Traffic Impacts Are Not Supported By Substantial Evidence

During the March 1, 2017, Conservancy Board meeting, Conservancy staff and the Conservancy's environmental consultant explained that there had been no analysis performed regarding estimated parking demand. Rather, the amount of parking was simply designed by an architect for the environmental consultant, without regard to whether the amount of parking

contemplated was actually necessary or commensurate with projected usage of the trail. Despite the fact that there is no evidence regarding demand for parking and/or the trail, the trip generation "estimates" are merely "assumptions" based on parking capacity alone. (See DEIR, Appendix "H" at 4-3 ["Proposed project assumed daily trip generation estimates based on site parking capacity of 53 spaces and assumes three times parking turnover during the day."].) Because the entire discussion of the DEIR with respect to traffic is based upon "assumed" trip generation rates generated by simply multiplying parking capacity, and there is no factual basis behind those rates, the entire traffic study is flawed and without evidentiary support. (See also Smith Report at 1-2.)

2. The DEIR and Appendix H Contain no Analysis of Intersections Affected by the Project (and in Particular Alternative 1)

One of the most controversial issues raised by the public, including the Coalition, over the last several years relates to traffic congestion and safety at the unsignalized Audubon/Del Mar intersection. This issue was of paramount concern to the City of Fresno when it adopted the 2035 GPU, which specifically limited vehicular access from River View drive. Despite this, the DEIR (and the traffic report included as Appendix H to the DEIR) contains no analysis of any intersections. Rather, the DEIR and Appendix H solely include analyses of roadway segments. As explained in the Smith Report, this is contrary to both standard engineering practice, as well as the City of Fresno's *Traffic Impact Study Report Guidelines*. (See Smith Report at 2-3.)

Moreover, earlier studies of the same roadway network show many of the surrounding intersections have operated at unacceptable levels of service since at least 2008. (See Smith Report at 3.) Alternative 1, in particular, will contribute to these unacceptable levels of congestion because nearly all trips for the parking lot at Riverview Drive would go through either the Palm/Nees intersection or the Friant/Audubon intersection. By failing to consider the impacts of the Project (and in particular Alternative 1) on these intersections, the DEIR violates CEQA. (Smith Report at 3.)

This omission is also puzzling due to extensive use of Audubon Drive as a bypass for motorists seeking to avoid rush-hour traffic at the Nees/Blackstone and the Friant/S. R. 41 intersections. During a.m. and p.m. peak hours, motorists from the Coalition's neighborhood are forced to wait 10 minutes or longer to turn left onto Audubon Drive. Because the Project contemplates additional vehicle trips associated with the Project, and Alternative 1 in particular contemplates 40 additional a.m. peak hour vehicle trips using the Riverview parking lot, (see DEIR, Appendix H at 4-3), the Audubon/Del Mar intersection will be burdened even further. Because the DEIR fails to analyze this intersection, the DEIR is inadequate, and must be revised to address the potential impacts associated with increased traffic at all affected intersections (and in particular Alternative 1).

3. The Roadway Segment Counts do not Accurately Reveal Existing Conditions

The DEIR states that "Roadway segment traffic counts were collected on Saturday through Monday, May 24 to 26, during the 2014 Memorial Day weekend," to allegedly "capture a worst-case-scenario traffic count sampling of roadway traffic demand on the study roadway segments." This sampling is incomplete and legally deficient for many reasons. First, although the Eaton Trail is used extensively on weekends and holidays, it is also used extensively in the morning hours by joggers, cyclists, and pedestrians seeking to avoid the hot Fresno midday during the late Spring through early Fall. This is important because vehicular traffic along Audubon Drive is very heavy (and travels at speeds in excess of 45 miles/hour) during the a.m. peak hours when motorists from the Coalition's neighborhood are force to wait and/or make dangerous movements to turn left onto Audubon Drive). Without performing counts during the a.m. peak hours, and specifically evaluating the Audubon/Del Mar intersection, the DEIR is left with an incomplete view of the traffic impacts of the Project (and in particular Alternative 1). (See Smith Report at 4-5.)

Moreover, as explained by Mr. Smith, "the segment counts are stale." Specifically, since 2014, the use of Audubon by motorists seeking to bypass the Nees/Blackstone and the Friant/S.R. 41 intersections has increased significantly due to increased development near the Project. As such, the traffic report should be revised to capture the increased use of Audubon Drive by the public.

4. The Mitigation Proposed for Alternative 1 is Inadequate Under CEQA

The DEIR recognizes that Alternative 1 will result in potentially significant impacts to that intersection, as well as the need to mitigate those impacts under CEQA:

> Under Alternative 1, traffic volume is anticipated to increase because visitors would turn at the Audubon Drive/Del Mar Avenue intersection to either access or leave the West Riverview Drive entrance. The additional traffic may result in accidents and add to traffic delays at Del Mar Avenue. This impact would be **potentially significant**.

(DEIR at 5-16.) The DEIR therefore identifies the following mitigation for Alternative 1:

> The Conservancy shall share with the City, on a pro rata basis, the cost of installing either a traffic signal or other effective traffic control such as a roundabout, designed by the City for the Audubon Drive/Del Mar Avenue intersection. The West Riverview Drive entrance and added parking for Alternative 1 would not be open to the public until such traffic improvements are constructed and operational.

(*Id.*) The DEIR then explains that a traffic signal or roundabout would "improve access to the West Riverview Drive entrance by reducing wait time for traffic entering the intersection from Del Mar Avenue, and would reduce the potential for traffic accidents." (*Id.*) The DEIR also states that this mitigation measure would allegedly "reduce the impact to **less than significant**," and that "[n]o additional mitigation is required." (*Id.*) This proposed mitigation is inadequate under CEQA.

There is no Evidence that the Proposed Mitigation is Feasible. The present configuration of the intersection suggests signalization and/or a roundabout are infeasible. The only way to install a traffic signal or a roundabout would be to encroach upon existing residences, including driveways, back yards, and ancillary structures. (See Smith Report at 6-7.) Signalization likewise would not be feasible at this location, due to roadway configuration, and the presence of numerous nearby residences. Coupled with the noise impacts associated with vehicles (including heavy trucks) accelerating and decelerating, the installation of such facilities would essentially result in the condemnation of several residences.

The Proposed Mitigation Would Violate Applicable Plan-Level Documents. The San Joaquin River Parkway Master Plan Policy LP2 provides that "[n]o land shall be acquired for the Parkway by the San Joaquin River Conservancy by the exercise of eminent domain." Despite this, the proposed mitigation requires the construction of facilities, including a roundabout that would encroach upon several residential properties at the Del Mar/Audubon intersection. The physical taking of these properties for the Parkway expansion would require the exercise of eminent domain, which directly contravenes Policy LP2.

The Proposed Mitigation Would Result in Significant Safety Impacts. The facilities would also raise significant safety concerns, as the intersection would be shielded visually as motorists accelerate downhill from the S.R. 41 overpass.

The Proposed Mitigation is Incomplete. CEQA also prohibits vague, incomplete, and untested mitigation measures, (see, e.g., *Federation of Hillside & Cyn Assn's v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260), particularly where the mitigation measure is so undefined as to gauge its effectiveness. (See *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281.) Here, the mitigation measure is entirely undefined; there is no suggestion as to what the mitigation will entail, how it will be constructed, and how it will alleviate the significant and unavoidable impacts of Alternative 1. Rather, the measure vaguely states that some unidentified type of facility – possibly a signal or a roundabout – will be constructed by somebody using funds that have yet to be identified. These concerns are heightened by the fact that there is no study or evaluation in the DEIR that reveals how significant the impacts of the Project on the intersection will actually be (essentially rendering impossible any analysis of how the facility would lessen or avoid the impact itself).

The DEIR Impermissibly Defers Mitigation. This measure also constitutes the impermissible deferral of mitigation because it postpones both the design and funding of the

facility to some future date. It is normally impermissible to defer mitigation. (See CEQA Guidelines, § 15126.4(a)(1)(B).) And none of the exceptions that would allow the Conservancy to defer the formulation of mitigation exist here. (See, e.g., *id.*; *POET, LLC v. Air Resources Board* (2013) 218 Cal.App.4th 681, 735.)

The DEIR Does Not Analyze Significant Environmental Impacts Caused by the Mitigation Itself. Further, CEQA requires the discussion (and identification of mitigation) for potentially significant environmental effects caused by mitigation measures themselves. (CEQA Guidelines, § 15126.4(a)(1)(D); *Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.) Here, as explained above, the installation of new facilities at the Del Mar/Audubon intersection would encroach upon several residential properties, and increase noise associated with vehicles accelerating and decelerating. Despite this, there is no analysis of this impact on the DEIR. Nor is there any analysis of the visual and aesthetic impacts of a new facility (particularly a signal), which would add sources of light and visual disruption on a roadway segment designated as a "Scenic Corridor" by the City of Fresno. For similar reasons, such facilities may also conflict with the City of Fresno's 2035 General Plan, which requires the preservation of the aesthetic values of Scenic Corridors, such as Audubon Drive. (See 2035 GPU at 4-35 [requiring measures to preserve and enhance scenic qualities along scenic corridors, including Audubon Drive].) There is likewise no analysis of how a signal or roundabout would impact congestion and trip lengths along Audubon Drive, and also nearby roadway segments. Among other things, the DEIR should evaluate whether installing a signal or roundabout at the Del Mar/Audubon intersection would shift trips to intersections such as Nees/Blackstone and Friant/S.R. 41.[3]

C. The Conservancy May Not Rely Upon Alleged Environmental Justice Impacts to Assert the Project and Alternatives 2-4 Have Significant Environmental Effects

Environmental Justice is not an Environmental Impact Cognizable Under CEQA. CEQA requires analysis of "physical impacts" on the environment. (See CEQA Guidelines, § 15604(d) [requiring agencies to "consider direct ***physical*** changes in the environment which may be caused by the project…"].) "Environmental justice," in contrast, means "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12, subd. (e).) To the extent such alleged impacts are implicated by the Project – and, as explained below, they are not – such impacts are at most

[3] There is likewise no analysis of the air quality impacts associated with the mobile source emissions, including idling at the Audubon /Del Mar intersection during extended periods.

"[e]conomic and social changes," which CEQA expressly states "***shall not*** be treated as significant effects on the environment."[4] (CEQA Guidelines, § 15604(e) [emphasis added].)

Nor is there any argument that such "economic and social" changes could result in a physical change that could be considered significant. This is because some citizens would allegedly be required to travel to a less convenient access point to reach the trail. (See DEIR at 4-21.) But the courts have specifically ruled that such inconvenience is merely a "social impact," not an environmental impact for which a significant impact under CEQA may be found. (See *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.4th 656, 697; *accord* Pub. Resources Code, § 21099, subds. (b)(3), (d)(1) [adequacy of parking "shall not support a finding of significance," and "parking impacts . . . shall not be considered significant effects on the environment"].)[5] In other words, "environmental justice" impacts may not themselves be regarded as a significant impact on the environment under CEQA.[6]

The Suggestion that the Project Would Have Significant Environmental Justice Effects is Based upon the use of an Improper Environmental Baseline. Even if this were not the law, the Conservancy could not rely upon environmental justice impacts to support a finding that the Project's impacts would be significant and unavoidable. First, any alleged environmental justice impact associated with project access is not based on a comparison of current conditions (the environmental baseline) against post-project conditions. Rather, although not directly stated, the argument in the DEIR appears to be that access for disadvantaged communities would allegedly be better under an alternative than under post-construction conditions under the Project.

This approach is contrary to CEQA. The environmental baseline includes the "existing physical environmental conditions in the vicinity of the project . . . ." (CEQA Guideline, § 15125(a).) The purpose of the baseline is to compare the project against the existing conditions, to determine "whether an [environmental] impact is significant." (*Id.*; see also *Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549.) Here, the

---

4 As an economic/social impact, the DEIR need not identify mitigation for any alleged "environmental justice" impact. (Pub. Resources Code, §§ 21100, subd. (b)(3); 21150; CEQA Guidelines, § 14126.4(a)(1)(A).)

5 For similar reasons, the Conservancy also cannot argue an alleged lack of parking is itself a significant environmental impact. (See, e.g., *San Franciscans Upholding the Downtown Plan, supra*, 102 Cal.4th at 697; Pub. Resources Code, § 21099, subds. (b)(3), (d)(1).)

6 As explained below, the traffic analysis supporting the DEIR was not based on demand, and there is no analysis of demand for parking. As such, there is simply no evidence in the record that such inconvenience – even if cognizable as an environmental impact – would arise to the level of a "significant" impact.

DEIR contravenes both the letter and the intent of developing a baseline under CEQA by artificially picking post-project conditions as the baseline. Because a post-project baseline is impermissible under CEQA, the Conservancy may not rely on the alleged "environmental justice" to determine the Project's impacts are significant and unavoidable under CEQA.

The Conclusion that the Project Would Have Environmental Justice Impacts is not Supported by Substantial Evidence. In addition, there is simply no evidence in the record to suggest the alleged "environmental justice" impacts would occur. First, there is no estimate of demand for the Eaton Trail expansion in the DEIR, let alone an estimate of demand for access by vehicle. Nor is there any estimate as to whether disadvantaged communities would be disproportionately impacted compared to other communities as a result of vehicular access being located at Perrin as opposed to that contemplated in Alternative 1. Moreover, there is no analysis or evidence to show that disadvantaged communities would not use existing access at Woodward Park to access the Eaton Trail expansion. In other words, the alleged "environmental justice" impacts are unsupported by any facts whatsoever, and thus substantial evidence does not support the conclusions stated in the DEIR.

Feasible Mitigation Exists to Reduce the Alleged Impacts to a Less-than-Significant Level. Even if the Conservancy could argue (i) such alleged impacts were cognizable under CEQA, and (ii) evidence supported the notion that such impacts were potentially significant, there are several feasible ways to reduce any such impacts to a less than significant level without exacerbating the traffic conditions at Del Mar and Audubon Drive. (*Cf.* CEQA Guidelines, §§ 15121(a), 15126.4(a) [an EIR must describe ***feasible*** mitigation measures that can minimize a project's significant environmental effects] [emphasis added].) Such mitigation would include the following:

- Nearby Woodward Park presently provides convenient parking (and ADA-accessible) access to the Eaton Trail near Perrin Avenue. Parking at Woodward Park could easily be augmented to address these alleged concerns without impacting residential communities. Yet, expansion of parking at Woodward Park was not contemplated in the DEIR as mitigation.

- These alleged concerns could also be addressed by augmenting existing bus routes serving the surrounding area. Expanded bus routes could specifically include routes to and from the Pinedale community to access points at (i) Palm and Nees, (ii) the proposed Perrin parking lot, and (iii) Woodward Park.

- Alternative 5 (or any variant of that alternative) could likewise provide mitigation for this issue.

- There are also several properties in the vicinity of the trail expansion that are owned by the Parkway Trust that could be used for parking in a manner that would not require access at Riverview Drive.

Because feasible mitigation exists to reduce any alleged "environmental justice" impacts to a less-than-significant level, the Conservancy cannot legally find any such impacts of the Project are "significant and unavoidable."

D. The DEIR Fails to Address Several Public Health & Safety Impacts

The Coalition has on previous occasions expressed concerns about the public health, safety, and aesthetic impacts associated with the Project. These issues are of particular concern because Conservancy staff has advised that funding for the Project has not been analyzed and is an issue that is "outside" the DEIR. Without assurances regarding funding, however, the Coalition is concerned that the Project's potential to increase the frequency and severity of issues presently experienced by members of the Coalition will increase.[7]

Fire Protection. The DEIR suggests that no comments were made during the scoping process with respect to public services. This is inaccurate, as my July 8, 2014, comments on the Notice of Preparation specifically address such concerns. As explained previously, the bluff and river areas beneath the neighborhood where most of the members of the Coalition reside are regularly used for unpermitted camping. Frequently, individuals using the river bottom for camping set fires that are not properly monitored or controlled and present a danger to local residents. For example, on July 2, 2009, a bluff fire burned an 11.9-acre area, destroying one home and damaging two others. The fire took four hours to contain, and another two hours to control. While no individuals were injured, approximately 25 residential structures were put at risk. Such fires not only endanger residents and structures within the surrounding neighborhoods, but also natural resources. The addition of parking within those neighborhoods would increase these impacts. Despite this, the DEIR does not consider potential environmental impacts associated with fires, including human safety, impacts to biological resources, and fire protection services. (See, e.g., *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260.) The DEIR likewise does not discuss whether the fire department possesses the equipment and vehicles necessary to respond to bluff fire outbreaks on the river bottom, particularly in light of the sandy soils, and how the Conservancy will contribute to the funding of the Fire Department to offset these impacts. Rather, the DEIR simply states without explanation that there will be "no impact." The DEIR should be revised and recirculated to discuss impacts associated with fires.

---

[7] Such funding is also necessary under BCP Goal 4.4.7(1), which contemplates the need to "[c]ontinue to provide effective and efficient public services and facilities to the Bullard Community as the community grows."

Police Services. Vandalism and encampments continue to be a significant concern to residents within adjacent neighborhoods. As access to the Eaton Trail increases, these impacts will likewise increase. Despite this, the DEIR simply states without explanation there will be "no impact." The DEIR should be revised and recirculated to discuss these important impacts to public safety that directly affect members of the Coalition.

Aesthetics and Urban Decay. It is presently unclear how trail maintenance and repair will be funded. Without an adequate funding stream, it is likewise unclear how the Conservancy will ensure the trail will not fall into disrepair and result in an eyesore, or experience incidences of urban decay such as trash, weeds, graffiti, and vandalism (all of which are presently issues of concern). Because no funding source has been identified, and it is unclear how the Conservancy will maintain the trail, the DEIR should be revised to address the potential environmental effects that would result from the inability of the Conservancy to fund regular maintenance and upkeep of the trail.

E. The DEIR's Designation of Alternative 1 as an "Environmentally Superior Alternative" is Contrary to both CEQA and the Facts

CEQA requires that the DEIR identify "an environmentally superior alternative" from among the alternatives discussed. (CEQA Guidelines, § 15126.6(e)(2).) The DEIR characterizes Alternative 1 as the "environmentally superior" alternative. (DEIR at 5-104.) This finding is both legally and factually erroneous. First, this finding is based upon the mistaken assumption that the Project has significant impacts as to "environmental justice" compared to Alternative 1, which as explained *supra*, § C is incorrect. This finding also inaccurately presumes that feasible mitigation exists to avoid the significant impacts as to the Del Mar/Audubon intersection; however, as explained above, the mitigation proposed is legally inadequate and infeasible. (See *supra*, § B(4).) This discussion also makes no mention of the fact that Alternative 1 has significant and unavoidable land use impacts because it contravenes the City of Fresno's 2035 GPU. (See *supra*, § A.) As a result, the DEIR may not legally find Alternative 1 is the environmentally superior alternative.

F. To the Extent the Conservancy Contends it Cannot Approve Alternative 5, Option 5b, the Conservancy Has Failed to Consider and Analyze a Reasonable, Feasible Alternative to the Project

As the Conservancy is aware, the alternative identified as "Alternative 5" was one of several potential alternatives developed for access at Palm and Nees. Although parking at Palm and Nees would resolve all of the purported issues relating to "access" to the trail, the Conservancy inexplicably chose to analyze an alternative for this area that contemplated crossing property by a landowner who has submitted comments in opposition to the use of his property for this purpose. As the conservancy is aware, Alternative 5, Option 5b, presents an alternative that is supported by the underlying property owners – the City of Fresno and Stan Spano – and

that the Conservancy could feasibly implement. (See Exhibit "B" [March 27, 2017, letter from Stan Spano].)

There is no legal impediment that would prevent the Conservancy from approving Alternative 5, Option 5b, following the confirmation from the Conservancy's consultant that Option 5b is not "considerably different" than Alternative 5 for purposes of CEQA. (See *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941; *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316.)

If the Conservancy does not intend to consider Alternative 5, Option 5b as an alternative, the Conservancy would violate CEQA. The requirement that environmental documents identify and discuss alternatives to the project stems from the fundamental statutory policy that public agencies should require the implementation of feasible alternatives or mitigation measures to reduce the project's significant impacts. (See, e.g., Pub. Resources Code, § 21001.) In its analysis of alternatives, the lead agency must focus on alternatives that can avoid or substantially lessen a project's significant environmental effects. (Pub. Resources Code, § 21002.) The CEQA Guidelines specifically recognize that comments raised by members of the public on an environmental document are particularly helpful if they suggest "additional specific alternatives . . . that would provide better ways to avoid or mitigate the significant environmental effects." (CEQA Guidelines, § 15204.)

Alternative 5, Option 5b is plainly feasible and is supported by the underlying landowner. Although the Coalition disagrees environmental justice impacts – and in particular those asserted in the DEIR – are cognizable under CEQA, Alternative 5, Option 5b would reduce any such impacts to a less than significant level. As such, the Conservancy must consider and adopt Alternative 5, Option 5b.[8]

III.
CONCLUSION

In short, the Conservancy should reject Alternative 1. Moreover, for the reasons discussed above, the Coalition strongly prefers a combination of Alternatives 3 and 5.

Very truly yours,

For JPK

John P. Kinsey

Enclosures

---

[8] For similar reasons, the Conservancy has failed to consider a reasonable range of alternatives, as required under CEQA.

Re: River West Fresno, Eaton Trail Extension Project:
San Joaquin River Access Coalition's Comments on Draft EIR
(State Clearinghouse No. 2014061017)

Exhibit "A"

SMITH ENGINEERING & MANAGEMENT

April 7, 2017

John P. Kinsey, Esq.
Wanger Jones Helsley PC
265 E. River Park Circle, Suite 310
Fresno, CA 93720

Subject: **San Joaquin River Conservancy River West Fresno Eaton Trail Extension Project Draft Environmental Impact Report (SCH # 2014061017)**

Dear Mr. Kinsey:

At your request on behalf of the San Joaquin River Access Coalition (the "Coalition"), I have reviewed the Draft Environmental Impact Report (the "DEIR") for the River West Eaton Trail Extension Project (the "Project). My review is in specific relation to the adequacy of the traffic and transportation analysis supporting the DEIR. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 48 years professional consulting engineering practice in the traffic and transportation industry. I have both prepared and performed adequacy reviews of numerous transportation and circulation sections of environmental impact reports prepared under the California Environmental Quality Act (CEQA). My professional resume is attached.

Findings of my review are summarized below.

The DEIR's Estimates of Parking Needs and Trip Generation Are Not Based On Substantial Evidence

The trip generation "estimates" in the traffic study supporting the DEIR are merely "assumptions" based on parking space totals alone (as opposed to

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

demand for the project). (See DEIR, Appendix "H" at 4-4 ["Proposed project assumed daily trip generation estimates based on site parking capacity of 53 spaces and assumes three times parking turnover during the day."].) The number of parking spaces, in turn, is not based on any estimate of actual trail usage, but rather a subjective determination by an architect based on design considerations. Because the entire discussion of the DEIR with respect to traffic is based upon "assumed" trip generation rates generated by simply multiplying by 3 the number of parking spaces provided, and the number of spaces is unconnected to any quantitative estimate of park usage, there is no factual basis behind the trip estimates supporting the traffic analysis.

The conventional method among traffic engineers for estimating trip generation is to rely on the latest edition of Institute of Transportation Engineers authoritative work, *Trip Generation* (latest currently being the 9th edition). DEIR Appendix H claims to have reviewed *Trip Generation* but, because no *specific rates for walking trails* are identified in it, the Appendix H study devised the above-described methodology of estimating parking generation based on parking supply. This logic, however, is circular because the DEIR's estimate of parking supply was not based on projected demand or estimates of actual usage, but rather what the environmental consultant's architect designed. In other words, substantial evidence does not exist to support the trip generation estimates in the DEIR.

Given that the DEIR's traffic generation is not based on substantial evidence and vastly lower than trip generation estimated using data from a conventionally employed and authoritative data source, the entire traffic analysis is fatally flawed and the DEIR's conclusions with regard to traffic impacts are unsupported by substantial evidence.

The DEIR and Appendix H Contain no Analysis of Intersections Affected by the Project. This Is Also True of Alternative 1 to the Project.

One of the conditions under which the City of Fresno's *Traffic Impact Study Report Guidelines* (the "Guidelines") mandates that a traffic impact study be performed is "when the project traffic will substantially affect *an intersection* or roadway segment already identified as operating at an unacceptable level of service". The DEIR and its Appendix H Traffic Impact Analysis Report claim to conform to these guidelines. Yet the Project (particularly in its Alternative 1 form) clearly impacts intersections that operate at unacceptable levels of service but the DEIR only performs road segment analyses. Aside from the fact that there are recognized intersections that already experience unacceptable conditions, it is contrary to both the City's Guidelines and generally accepted transportation analysis standards for an EIR to rely solely on road segment analysis because in most circumstances intersection operations reach unacceptable levels of service well before road segment capacities are reached.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

The fact that several intersections on the local and regional approaches to the Project are operating in deficient condition has been a matter of public record since at least 2008[1]. The study cited from the certified Fresno 40 Development EIR shows that the intersection of Friant with Audubon operated at LOS F in the 2007/8 existing condition in the AM and PM peaks and would also operate at LOS F with the Fresno 40 project in both peaks in both 2008 and 2010 near term cumulative conditions. It indicates the intersection of Friant with the SR 41 northbound ramps operates at LOS F in the existing condition, the existing + project condition and the 2010 condition for the AM peak hour, and although at a satisfactory level in the existing PM peak condition, would operate at unsatisfactory LOS E in the existing + project condition and unsatisfactory LOS F in the 2010 cumulative condition. The document indicates that the intersection of Friant with the SR 41 southbound ramps would operate at unsatisfactory LOS F in the AM peak for all three analysis scenarios but satisfactorily in the PM peaks. The same document indicates that the intersection of Blackstone with Nees operates at unsatisfactory LOS F in both AM and PM peaks in all three analysis scenarios. It shows that the intersection of Audubon with Nees operates at unsatisfactory LOS F in both AM and PM peaks in all three analysis scenarios. This information in the 2008 document remains relevant because no physical improvements of significance have been carried out at any of the above intersections since that time and due to the fact that, since additional growth has occurred in Northeast Fresno, Northwest Clovis, and the Friant Corridor. Because current traffic demand is of course higher than in 2008, the Project's impacts on these intersections will be felt even more acutely.

The fact that there are deficient intersections on the local and regional approaches to the Project site makes the DEIR traffic analysis inadequate for failing to assess the Project's impacts on these intersections.[2] These intersections were operating at above applicable thresholds of significance in 2008 (according to the City of Fresno, LOS E and above is unacceptable), and continue to operate at unacceptable/significant levels to this day. Simply, the traffic study does not conform to standard engineering practice by failing to analyze the Project's impacts on these congested intersections.

Standard traffic engineering practice would also have dictated performing an intersection analysis at the Del Mar/Audubon intersection. In addition to the fact that this intersection has been raised by the members of the Bluff community as a facility of significant concern over the past several years, this issue was of

---

[1] See *Fresno 40 Development Traffic Impact Analysis,* VRPA Technologies, September 3, 2008, produced in support of the EIR on the Fresno 40 Project. A copy of this report is attached as Exhibit "Attachment 2."

[2] This both a matter of public record (as demonstrated in prior environmental documents for nearby development projects, including the Fresno 40 project, and a matter than is demonstrated by readily observable conditions (in particularly the extensive peak hour queueing at the Audubon/Del Mar intersection).

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

paramount concern to the City of Fresno when it adopted the 2035 GPU, which specifically limited vehicular access to the Project site from River View Drive.

This omission of an intersection analysis at the intersection of Audubon with Del Mar is contrary to standard traffic engineering practices, due to extensive use of Audubon Drive as a bypass for motorists seeking to avoid rush-hour traffic congestion at the intersection of Nees Avenue with Blackstone Avenue / Friant Road and the intersection of Friant Road with the SR41 ramps. Presently, Audubon Drive is heavily traveled with 17,000 ADT. During a.m. and p.m. peak hours, traffic from the Bluff neighborhood is forced to wait 10 minutes or longer to turn left onto Audubon Drive. This has an even greater circulation impact on the homes who enter onto Del Mar Avenue from Briar Court, who often cannot turn left from Briar Court onto Del Mar because of stacking by vehicles waiting to turn left from Del Mar Avenue onto Audubon.

Moreover, during am and pm peak hours, the number of vehicles turning north from Audubon Drive onto Del Mar increases. These vehicles often travel at high speeds, and result in dangerous conditions for those seeking to exit Briar Court onto Del Mar Avenue. Several residents have reported collisions involving vehicles seeking to exit Briar Court onto Del Mar Avenue.

Because the Project (and in particular Alternative 1) contemplates 45 additional a.m. peak hour vehicle trips to/from the Riverview parking lot and 55 in the pm peak hour, (see DEIR Appendix H, Table 4-1 at page 4-3), the Audubon/Del Mar intersection will be burdened even further. Despite this, the DEIR (and the traffic report included as Appendix H to the DEIR) contains no analysis of this, or any other intersection. Rather, the DEIR and Appendix H solely include analyses of roadway segments.

The DEIR is therefore inadequate, particularly with respect to its analysis of Alternative 1, and must be revised to address the potential impacts associated with increased traffic at all affected intersections, particularly if additional parking is contemplated at Riverview Drive.

The Roadway Segment Counts Employed In the DEIR Do Not Represent Typical Conditions

The DEIR states that "Roadway segment traffic counts were collected on Saturday through Monday, May 24 to 26, during the 2014 Memorial Day weekend," to allegedly "capture a worst-case-scenario traffic count sampling of roadway traffic demand on the study roadway segments." This is insufficient for several reasons.

First, only segment counts were performed; no turning movement counts were conducted that would permit intersection level of service analysis.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Second, on weekends and holidays, traffic in the normal commute peak hours is less than on typical weekdays. In other words, the traffic study does not evaluate the project against baseline conditions when traffic conditions are at their worst.

Third, on three-day weekends like Memorial Day, many residents take the opportunity to travel out of town, depressing traffic even more than normal weekends and holidays.

Fourth, although the Eaton Trail is used extensively on weekends and holidays, it is also used extensively in the morning hours by joggers, cyclists, and pedestrians seeking to avoid the hot Fresno midday during the late Spring through early Fall. This is important because vehicular traffic along Audubon Drive is extensive for a residential area (17,000 ADT, traveling at speeds in excess of 45 miles/hour) during the a.m. peak hours when motorists from the Coalition's neighborhood are forced to wait and/or make dangerous movements to turn left onto Audubon Drive). Without performing turning movement counts during the a.m. peak hours, and specifically evaluating the Audubon/Del Mar intersection, the DEIR is left with an incomplete view of the traffic impacts of the Project (and on particular Alternative 1).

In addition to being incomplete, the segment counts are stale. Since 2014, the use of Audubon by motorists seeking to bypass the Nees/Blackstone and the Friant/SR41 intersections has increased significantly due to increased residential development in Northeast Fresno, Northwest Clovis, and the Friant corridor, the construction of additional commercial uses near the Project, and new signalization at Palm and Nees facilitating the use of Audubon Drive as a bypass. Because these figures are stale and underestimate existing conditions, the traffic report should be revised to capture the increased use of Audubon Drive by the public.

The Mitigation Proposed for Alternative 1 is Inadequate Under CEQA

Although the DEIR fails to analyze impacts to the Del Mar/Audubon intersection, the DEIR recognizes that Alternative 1 will result in potentially significant impacts to that intersection, necessitating mitigation under CEQA:

> Under Alternative 1, traffic volume is anticipated to increase because visitors would turn at the Audubon Drive/Del Mar Avenue intersection to either access or leave the West Riverview Drive entrance. The additional traffic may result in accidents and add to traffic delays at Del Mar Avenue. This impact would be **potentially significant**.

(DEIR at 5-16.) As a result, the DEIR identifies the following mitigation for Alternative 1:

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

> The Conservancy shall share with the City, on a pro rata basis, the cost of installing either a traffic signal or other effective traffic control such as a roundabout, designed by the City for the Audubon Drive/Del Mar Avenue intersection. The West Riverview Drive entrance and added parking for Alternative 1 would not be open to the public until such traffic improvements are constructed and operational.

(*Id.*) The DEIR then explains that a traffic signal or roundabout would "improve access to the West Riverview Drive entrance by reducing wait time for traffic entering the intersection from Del Mar Avenue, and would reduce the potential for traffic accidents." (*Id.*) The DEIR also states that this mitigation measure would supposedly "reduce the impact to **less than significant**," and that "[n]o additional mitigation is required." (*Id.*)

This proposed mitigation is inadequate under CEQA for many reasons. First, there is no evidence in the record to suggest the proposed mitigation is feasible. Indeed, the present configuration of the intersection suggests a roundabout would clearly be infeasible and signalization at this location would have cost and other consequences that make feasibility questionable.

The mitigation could also have unintended consequences that are unknown because there is no analysis of how a signal or roundabout would impact congestion and trip lengths along Audubon Drive, as well as other nearby roadway segments. It is a common saying among traffic engineers that traffic flows like water; when there are impediments to flow, traffic (like water) flows through other pathways. This is of concern here, where the installation of a signal or roundabout could cause motorists to use congested intersections along Nees Avenue or Friant Road instead of Audubon Drive.

The evidence also shows the installation of a roundabout would not be feasible under CEQA. The only way to install a roundabout would be to encroach upon existing residences, including driveways, front or back yards, and ancillary structures. This is because the volume of traffic and the types of design vehicles that need to be accommodated on Audubon and Del Mar require a central island and surrounding roadways much larger than the public right of way at the intersection. Figure 1 below shows the approximate range of right-of-way limits that would be necessary to accommodate a single lane roundabout per Caltrans *Highway Design Manual* Section 405.10 (3) with a 10-foot allowance for sidewalk, plantings and utilities behind the curb lines. Both the minimum and maximum right of way limits shown would require the physical taking of portions of several residential properties, including portions of ancillary structures, back yards, driveways, and even portions of the homes.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Despite the extent of the right-of-way necessary to construct a roundabout, neither the DEIR nor the traffic study contain any analysis of the potential impacts associated with the construction of this "mitigation," whether this proposed mitigation is consistent with the 2035 General Plan,[3] or whether this mitigation is feasible. In addition to the physical encroachment of the right-of-way for the roundabout, there is no analysis of any other impact to real property associated with such improvements, including noise associated with vehicles traveling in close proximity to the walls of existing homes.

Figure 1: Estimated Right-of-Way Necessary for Roundabout

Roundabouts also cause safety problems for pedestrians and bicyclists that would make such an installation at this location undesirable, particularly for those with disabilities. Moreover, one of the primary benefits touted for roundabouts is that, while the frequency of vehicular collusions may increase, the intensity of those collisions is less than a signalized intersection. For cyclists and pedestrians, however, any collision is significant and potentially life threatening.

[3] This improvement is not a facility contemplated in the 2035 General Plan.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Pedestrians must be exceptionally cautious approaching roundabouts, as drivers oftentimes are focused on safely navigating the roundabout, as opposed to focusing on pedestrians within their peripheral vision. While roundabouts can be improved to enhance pedestrian safety, this requires additional space and the installation of crosswalks well-before the perimeter of the roundabout, which of course would take an even greater amount of land area than that depicted in Figure 1. The challenges for cyclists can be even more daunting, as they are required to approach the roundabout like a motorist (instead of circling the perimeter of the roundabout) or dismount. (See Attachment "3.")
The DEIR also proposes signalization as potential feasible mitigation for Alternative 1's significant impacts. Signalization at this location, however, involves other problems that compromise feasibility.

- In order to maintain traffic level of service on Audubon, the 4-lane section of the road would need to be extended from its current terminus to a point about 450 feet southwest of the intersection with Del Mar (an overall extension of the 4-lane section by about 700 feet). This extension of the 4-lane section, which would involve construction of a raised median would increase the cost of signalization well beyond that incurred at an intersection where little or no roadway modifications are otherwise required. This would significantly increase the cost of the proposed facility, and there is no evidence that the City of Fresno has entered into (or has committed to enter into) any agreement with the Conservancy to fund this mitigation measure.
- Signalizing of the intersection would expose residences near the intersection to considerable increased noise of 40 mph speed limit traffic decelerating to stops and re-accelerating back to 40 mph, and to increased noise from having active traffic lanes closer to the curb. Note that if the current limit is appropriately set, about 15 percent of the traffic approaches at speeds in excess of 40 mph.
- The residences on the southeast side of Audubon where the 4-lane configuration is added would lose the ability to make lefts in and out of their driveways since there would be a raised median.
- These same residences would lose the ability to park at curbside since the width of the parking shoulders would be put into part of the extra traffic lane in each direction (with the bike lane shifted to curbside; the balance of width for the extra traffic lanes and median coming from the existing extra-wide two-way left turn lane). This would remove existing parking capacity within the area.
- There would be more difficulty for residents fronting Audubon getting out of their driveways into the Audubon traffic stream (since they can now pull out into the combined bike lane/parking shoulder area and gradually merge into the through lane but would under the future configuration have to pull directly into a moving traffic lane).

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

- Intermittent traffic queues caused by signalization of the intersection would block access/egress to/from some driveways.
- Because of the curve and gradient of the southwesterly approach to the intersection, and vegetation, there is limited visibility of the Audubon/Del Mar intersection, which could significantly complicate design and safety, and result in dangerous conditions. This is particularly true given that motorists traveling in a southwesterly direction accelerate while heading downhill from the S.R. 41 overpass. Despite these significant safety and design concerns, there is no information in the DEIR suggesting how the Conservancy will design the facility, how the Conservancy will address these issue, or what the cost of the facility may be.
- Because in Alternative 1, the Del Mar - W. Riverview route constitutes an obscure entry route to the Project, prominent (large) advance guide signs would be needed. For the reasons stated above, these signs may not be completely effective. In fact, the signs themselves would complicate sight distance issues.
- The issue of conformance with City of Fresno policies related to maintenance of scenic corridors also applies to signalizing this intersection.
- There is no analysis of the potential visual and aesthetic impacts of a new facility (particularly a signal), which would add sources of light and visual disruption on a roadway segment designated as a Scenic Corridor by the City of Fresno.
- For similar reasons, a signal (or a roundabout) may conflict with the City of Fresno's 2035 General plan, which requires the preservation of the aesthetic values of Scenic Corridors, such as Audubon Drive.

Moreover, the City has found that Audubon/Del Mar meets signal warrants does not obligate the City or guarantee the City will ultimately install a signal there. Even assuming the availability of funds and priorities relative to other warranted locations, the signal itself is inconsistent with the 2035 General Plan, and the City could not approve the signal (or the roundabout for that matter), without creating a vertical inconsistency with the 2035 General Plan that would be prohibited under State Planning and Zoning Law.

The mitigation proposed for Alternative 1 is also vague and incomplete. There is insufficient information to determine whether the measures will even be effective; indeed, as explained above, the mitigation does not appear feasible, and would actually create new significant impacts. The proposed mitigation measure (identifying signalization or a roundabout) is entirely undefined; there is no suggestion as to what the mitigation will entail, how it will be constructed, and how it will alleviate the significant and unavoidable impacts of Alternative 1. For instance, it has been left up to this commenter to interpret what the right of way takes to employ a roundabout would be instead of being researched by the DEIR

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

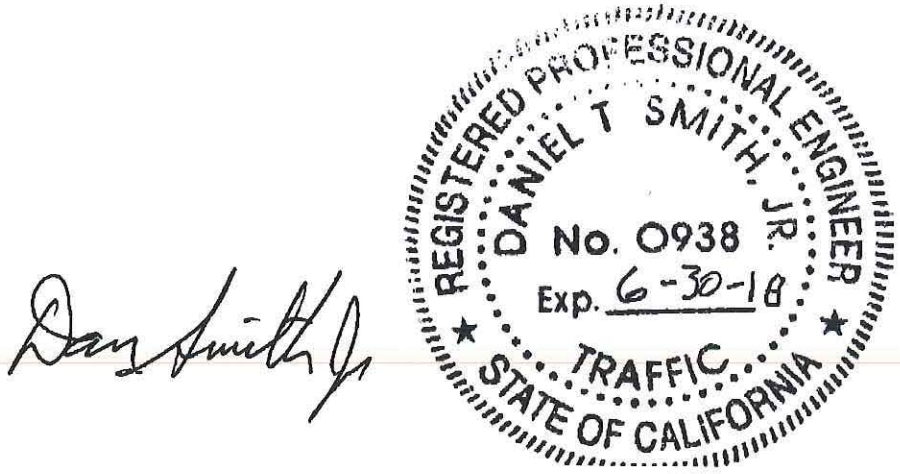
preparers. Rather, the measure vaguely states that some unidentified type of facility – possibly a signal or a roundabout – will be constructed by somebody using funds that have yet to be identified. These concerns are heightened by the fact that there is no study or evaluation in the DEIR that reveals how significant the impacts of the Project on the intersection will actually be (essentially rendering impossible any analysis of how the facility would lessen or avoid the impact itself).

Conclusion

The DEIR's discussion of transportation impacts is inadequate, particularly with respect to its discussion of Alternative 1. If the Conservancy seeks to consider Alternative 1, the Conservancy must substantially revise the traffic study and the related portions of the DEIR, and recirculate the DEIR for public review.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Attachment 1

Resume of Daniel T. Smith Jr., P.E.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil)
California No. 938 (Traffic)
Nevada No. 7969 (Civil)
Washington No. 29337 (Civil)
Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al*. Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Fresno 40 Development

Fresno, Ca

TRAFFIC IMPACT ANALYSIS

September 3, 2008

Prepared for:

Law Offices of DeWayne Zinkin
Richard Fairbank
5 River Park Place West, Ste. 203
Fresno, CA 93720

Prepared by:

Jason Ellard
VRPA Technologies
4630 W. Jennifer St. #105
Fresno, CA 93722
(559) 271-1200

VRPA Technologies, Inc.

Transportation Planning • Traffic Engineering • Intelligent Transportation Systems
Environmental Assessments • Public Outreach

VRPA Technologies, Inc.

September 3, 2008

Mr. Bryan D. Jones, T.E.
Assistant Traffic Engineering Manager,
City of Fresno Public Works Department, Traffic Engineering
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623

Subject: Traffic Impact Study for the proposed general plan amendment and rezone for the proposed Fresno 40 development. The proposed Project is defined as the development of 278,200 square feet of office space, 209,650 square feet of retail space, and 24 dwelling units.

Dear Mr. Jones:

I, Georgiena Vivian, attest to the technical information contained in this Traffic Impact Study that was prepared under my direction. I have judged that the qualifications of recommendations, conclusions, and decisions are based on City of Fresno guidelines, general engineering standards, and California Laws.

Sincerely,

Georgiena M. Vivian

Georgiena Vivian, Vice President
VRPA TECHNOLOGIES

GV/ET/dlb

4630 West Jennifer, Suite 105 • Fresno, CA 93722 • (559) 271-1200 • FAX (559) 271-1269 • e-mail: vrpafo@aol.com

TABLE OF CONTENTS

APPENDIX

LIST OF TABLES

LIST OF FIGURES

EXECUTIVE SUMMARY

This Traffic Impact Study (TIS) has been prepared for the purpose of analyzing traffic conditions related to the proposed Fresno 40 Development (Project). The proposed Project includes a General Plan Amendment (GPA) and rezone, which proposes to change the current land use of the Project site. The proposed multi-use development is bounded by Friant Road to the north, Audubon Drive to the east, Cole Avenue to the south, and Fresno Street to the west, in the City of Fresno.

The proposed Fresno 40 Development Project lies within the central portion on the San Joaquin Valley. The surrounding topography includes foothills and mountains to the east, west, and south. The proposed Project is located on the valley floor at an elevation of approximately 300 feet above sea level with the surrounding area mostly flat. The proposed Project is defined as the development of 278,200 square feet of office space, 209,650 square feet of retail space, and 24 dwelling units.

There will be six (6) access points to the proposed Project, two (2) along Friant Road, two (2) along Fresno Street, and two (2) along Audubon Drive. Currently, the intersection of Fresno Street and the Business Park Driveway is a "T" intersection. With construction of the proposed Project, this intersection will be signalized and improved to a full four-way intersection, with the additional leg serving as one of the access points to the Project site.

This report includes analysis of the following intersections:

- Friant Road / Shepherd Avenue
- Friant Road / Audubon Drive
- Friant Road / Fresno Street
- Friant Road / SR 41 NB Ramps
- Friant Road / SR 41 SB Ramps
- Herndon / SR 41 NB Ramps
- Herndon / SR 41 SB Ramps
- Blackstone Avenue / Nees Avenue
- Audubon Drive / Cole Avenue
- Audubon Drive / Main Entrance to Woodward Park
- Nees Avenue / Fresno Street
- Nees Avenue / N. First Street
- Nees Avenue / Audubon Drive
- Ness Avenue / Palm Avenue
- Two (2) Friant Road Driveways
- Two (2) Fresno Street Driveways
- Two (2) Audubon Driveways

This report includes analysis of the following roadway segments:

- Friant Road between:
  - Shepherd Avenue and Audubon Drive

- Audubon Drive and Fresno Street
- Fresno Street and SR 41 NB Off-Ramps
- SR 41 NB Off-Ramps and SR 41 SB Off-Ramps
- SR 41 SB Off-Ramps and Nees Avenue

- Audubon Drive between:
  - Nees Avenue and Cole Avenue
  - Cole Avenue and Friant Road
  - Friant Road and Woodward Park Entrance
  - Woodward Park Entrance and Nees Avenue

- Nees Avenue between:
  - Audubon Drive/First Street and Fresno Street
  - Fresno Street and Blackstone Avenue
  - Blackstone Avenue and Audubon Drive
  - Audubon Drive and Palm Avenue

- Fresno Street between:
  - Nees Avenue and Business Park Driveway/Fresno 40 Driveway
  - Business Park Driveway/Fresno 40 Driveway and Friant Road

- Cole Avenue between:
  - Audubon Drive and Fresno Street

- Herndon Avenue between:
  - SR 41 SB Off-Ramps and SR 41 NB Off-Ramps

The study time periods include the weekday AM and PM peak hours determined between 7:00 and 9:00 AM. and between 4:00 and 6:00 PM. The peak hours were analyzed for the following conditions:

- Existing Conditions
- Existing Plus Project Conditions
- Near-Term Conditions
- Cumulative 2030 Without Project Conditions
- Cumulative 2030 With Project Conditions

The traffic expected to be generated by other pending projects in the vicinity of the Project site are included in the analyses. The following projects are considered in the analyses:

- **Friant Ranch Development** - Consists of 2,766 senior adult residential units, 230 apartment units, a 10,000 sq. ft. restaurant, a 5,000 sq. ft. fast-food restaurant, 10,000 sq. ft. of medical-dental offices, 100,000 sq. ft. of general office space, and 125,000 sq. ft. of retail space.

- **Copper River Ranch Development** - Consists of 2,837 residential units and 60 acres of mixed-use

commercial. This Project has developed 151 homes since the Project began construction in 2005. It was assumed that Copper River Ranch will develop approximately 50 homes per year.

- **Gunner Ranch Development** - Consists of a 532,000 sq. ft. Children's Hospital Expansion (Undeveloped Square Footage), elementary schools, 1,819 single-family dwelling units, 1,195 multi-family units, 44,000 sq. ft. of fire station/government center, 2 million sq. ft. of retail, and 708,000 sq. ft. of general and medical offices.

- **Vulcan Highway 41 Rock Quarry**

- **Fresno & Nees Office/Retail Development** - Consists of 108,000 sq. ft. of general office space and 51,600 sq. ft. of retail space.

- **Village at River Park (Third Phase)** - Consists of 114,400 sq. ft. of general office space.

- **Zinkin Development (undeveloped/lease-rental office space)** - Consists of 180,713 sq. ft. of general office space.

Generally-accepted traffic engineering principles and methods were employed to estimate the amount of traffic expected to be generated by the Project and to analyze the traffic conditions expected to exist in the future. The conclusion of this traffic impact study is that the existing road network is generally either adequate or can be mitigated to accommodate the proposed development through the year 2030. The traffic impact analyses based on projections of cumulative and future traffic volumes through the year 2030 result in the conclusions and recommendations described below.

IMPACTS

Intersections

Results of the LOS intersection analysis along the street and highway system in the project area from Existing through the Cumulative 2030 With Project scenario are reflected in Table E-1. Table E-1 shows intersections that are expected to fall short of desirable operating conditions for various scenarios.

Segments

Table E-2 shows roadway segments that are expected to fall short of desirable operating conditions for various scenarios.

Table E-1
Intersection Operations

INTERSECTION	PEAK HOUR	EXISTING		EXISTING PLUS PROJECT		NEAR-TERM (YEAR 2010)		CUMULATIVE 2030 WITHOUT PROJECT		CUMULATIVE 2030 WITH PROJECT	
		DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS
Friant Road / Shepherd Avenue[1]	AM	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	>80.0	F	>80.0	F
	PM	>80.0	F	>80.0	F	>80.0	F	>80.0	F	>80.0	F
Friant Road / Audubon Drive[1]	AM	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	>80.0	F	>80.0	F
	PM	>80.0	F	>80.0	F	>80.0	F	>80.0	F	>80.0	F
Friant Road / Fresno Street[1]	AM	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	>80.0	F	>80.0	F
	PM	--[5]	F[6]	>80.0	F	>80.0	F	>80.0	F	>80.0	F
Friant Road / SR 41 NB Off-Ramp[1]	AM	--[5]	F[6][6]	--[5]	F[6][7]	>80.0	F	>80.0	F	>80.0	F
	PM	41.6	D[6]	63.2	E	>80.0	F	>80.0	F	>80.0	F
Friant Road / SR 41 SB Off-Ramp[1]	AM	--[5]	F[6][6]	--[5]	F[6][7]	>80.0	F	>80.0	F	>80.0	F
	PM	19.7	B	20.4	C	31.9	C	>80.0	F	>80.0	F
Blackstone Avenue / Nees Avenue[1]	AM	>80.0	F	>80.0	F	>80.0	F	>80.0	F	>80.0	F
	PM	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	>80.0	F	>80.0	F
Palm Avenue / Nees Avenue[1]	AM	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	>80.0	F	>80.0	F
	PM	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	>80.0	F
Audubon Drive / Nees Avenue[2]	AM	N/A	F	N/A	F	N/A	F	N/A	F	N/A	F
	PM	--[5]	F[6]	--[5]	F[6]	N/A	F	N/A	F	N/A	F
Audubon Drive / Woodward Park Ent-Businees Park Ent[3]	AM	N/A	E*	N/A	E**	N/A	F	N/A	F	N/A	F
	PM	N/A	F*	N/A	F**	N/A	F	N/A	F	N/A	F
Audubon Drive / Cole Avenue[4]	AM	18.9	C	29.4	D	>50.0	F	>50.0	F	>50.0	F
	PM	>50.0	F	>50.0	F	>50.0	F	>50.0	F	>50.0	F
First Street / Nees Avenue[1]	AM	35.0	C	35.5	D	40.0	D	>80.0	F	>80.0	F
	PM	47.1	D	53.2	D	65.9	E	>80.0	F	>80.0	F
Fresno Street / Business Park Ent[2]*	AM	N/A	D	13.4	B	21.2	C	N/A	F**	21.0	C
	PM	N/A	D	17.1	B	19.3	B	N/A	F	27.0	C
Fresno Street / Nees Avenue[1]	AM	34.6	C	44.7	D	36.0	D	>80.0	F	>80.0	F
	PM	35.5	D	37.7	D	40.0	D	>80.0	F	>80.0	F
Herndon Avenue / SR 41 SB Off-Ramp[1]	AM	--[5]	F[6][6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]
	PM	--[5]	F[6][6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]
Herndon Avenue / SR 41 NB Off-Ramp[1]	AM	--[5]	F[6][6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]
	PM	--[5]	F[6][6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]	--[5]	F[6]

DELAY is measured in seconds
LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded
N/A = LOS shown for worst turning movement
(1) Signalized Intersection
(2) One-way Stop Controlled Intersection
(3) Two-way Stop Controlled Intersection
(4) Four-way Stop Controlled Intersection
(5) LOS F condition is due to queuing conditions that were observed in the field rather than the Synchro intersection capacity analysis
(6) Exceeds Caltrans' minimum LOS standard of C. The existing LOS will now serve as the standard for the intersection.
(7) LOS has not exceeded LOS standard based on existing conditions.
* Fresno Street / Business Park Entrance intersection becomes a signalized intersection for with Project scenarios because the Project utilizes this intersection as one of its driveways
** Does not meet Signal Warrant

Table E-2
Street Segment Operations

STREET SEGMENT	SEGMENT DESCRIPTION[1]	DIRECTION	PEAK HOUR[2]	EXISTING		EXISTING PLUS PROJECT		NEAR TERM (YEAR 2010)		CUMULATIVE 2030 WITHOUT PROJECT		CUMULATIVE 2030 WITH PROJECT	
				VOLUME	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	LOS
Friant Road													
Shepherd Ave to Audubon Dr	6-lanes/divided	NB	AM	1,715	C	1,730	C	2,083	D	2,928	F	2,943	F
			PM	3,116	F	3,196	F	3,803	F	4,885	F	4,965	F
		SB	AM	2,532	F[3]	2,644	F	3,095	F	3,783	F	3,895	F
			PM	1,634	C	1,679	C	2,095	D	3,329	F	3,374	F
Audubon Dr to Fresno St	6-lanes/divided	NB	AM	1,678	C	1,747	D	2,104	D	2,781	F	2,850	F
			PM	2,626	F	2,797	F	3,806	F	4,380	F	4,551	F
		SB	AM	2,214	F[3]	2,245	F[3]	2,647	F	3,431	F	3,462	F
			PM	1,630	C	1,668	C	2,068	D	3,431	F	3,469	F
Fresno St to SR 41 NB Off Ramps	6-lanes/divided	NB	AM	2,157	D	2,307	D	2,879	F	3,707	F	3,857	F
			PM	2,726	F	2,848	F	3,360	F	4,393	F	4,515	F
		SB	AM	2,194	F[3]	2,235	F[3]	2,766	F	3,516	F	3,556	F
			PM	1,686	C	1,898	D	2,475	E	3,513	F	3,725	F
SR 41 NB Off Ramps to SR 41 SB Off Ramps	6-lanes/divided	NB	AM	1,716	C	1,753	D	3,463	F	4,321	F	4,358	F
			PM	1,448	C	1,479	C	1,881	D	2,980	F	3,011	F
		SB	AM	2,240	F[3][4]	2,281	F[3]	2,819	F	3,131	F	3,172	F
			PM	1,968	D[4]	2,160	D	2,782	F	3,543	F	3,755	F
SR 41 SB Off Ramps to Nees Ave	6-lanes/divided	NB	AM	1,186	C	1,196	C	1,447	C	2,081	D	2,091	D
			PM	1,748	D	1,758	D	2,124	D	2,980	F	2,989	F
		SB	AM	2,455	E	2,468	E	2,766	F	3,486	F	3,499	F
			PM	1,556	C	1,569	C	1,922	D	2,850	F	2,863	F
Audubon Drive													
Nees Ave to Cole Ave	4-lanes/divided	EB	AM	445	C	515	C	571	C	1,136	D	1,205	D
			PM	389	C	509	C	567	C	1,046	C	1,166	D
		WB	AM	299	C	383	C	436	C	862	C	946	C
			PM	718	C	794	C	848	C	1,340	D	1,416	D
Cole Ave to Friant Rd	4-lanes/divided	EB	AM	334	C	378	C	409	C	376	C	420	C
			PM	782	C	951	C	1,048	C	1,637	E	1,806	F
		WB	AM	396	C	504	C	584	C	576	C	684	C
			PM	747	C	794	C	853	C	1,677	E	1,724	F
Friant Rd to Woodward Park Entrance	4-lanes/divided	EB	AM	543	C	586	C	613	C	783	C	806	C
			PM	1,319	D	1,338	D	1,482	D	1,839	F	1,858	F
		WB	AM	805	C	843	C	948	C	1,073	C	1,111	C
			PM	763	C	843	C	924	C	1,295	D	1,375	D
Woodward Park Entrance to Del Mar Ave	4-lanes/divided	EB	AM	531	C	554	C	608	C	778	C	801	C
			PM	1,250	D	1,269	D	1,365	D	1,355	D	1,374	D
		WB	AM	777	C	783	C	839	C	1,030	C	1,036	C
			PM	539	C	572	C	626	C	1,020	C	1,053	C
Del Mar Ave to Nees Ave	2-lanes/divided	EB	AM	384	C	403	C	447	C	686	D	705	D
			PM	699	D	714	D	762	D	799	E	814	E
		WB	AM	397	C	402	C	431	C	700	D	705	D
			PM	261	C	287	C	322	C	461	C	487	D
Nees Avenue													
Audubon Dr/First St to Fresno St	4-lanes/divided	EB	AM	895	C	895	C	960	C	1,400	D	1,400	D
			PM	1,579	D	1,579	D	1,718	E	2,961	F	2,961	F
		WB	AM	1,459	D	1,459	D	1,588	D	2,130	F	2,130	F
			PM	1,117	C	1,117	C	1,205	D	2,158	F	2,158	F
Fresno St to Blackstone Ave	4-lanes/divided	EB	AM	689	C	712	C	790	C	1,284	D	1,287	D
			PM	1,483	D	1,502	D	1,682	E	2,606	F	2,625	F
		WB	AM	1,456	D	1,462	D	1,693	E	2,254	F	2,260	F
			PM	1,133	C	1,166	D	1,258	D	1,383	D	1,416	D
Blackstone Ave to Audubon Dr	4-lanes/divided	EB	AM	783	C	802	C	924	C	1,222	D	1,241	D
			PM	1,357	D	1,372	D	1,682	E	2,021	F	2,036	F
		WB	AM	1,739	F	1,744	F	1,904	F	2,390	F	2,395	F
			PM	1,171	D	1,198	D	1,357	D	1,644	E	1,671	E
Audubon Dr to Palm Ave	4-lanes/divided	EB	AM	694	F[3]	722	F[3]	828	F[3]	1,268	D	1,286	D
			PM	1,068	F[3]	1,091	F[3]	1,213	F[3]	1,461	F[3]	1,484	F[3]
		WB	AM	1,351	F[3]	1,359	F[3]	1,489	F[3]	1,917	F	1,925	F
			PM	974	F[3]	1,014	F[3]	1,145	F[3]	1,391	F[3]	1,431	F[3]
Fresno Street													
Nees Ave to Business Park Dr./Fresno 40 Dr.	4-lanes/divided	NB	AM	555	C	599	C	858	C	1,039	C	1,183	D
			PM	715	C	921	C	993	C	2,000	F	2,206	F
		SB	AM	681	C	937	C	1,076	C	1,535	D	1,791	F
			PM	665	C	764	C	917	C	1,534	D	1,633	E
Business Park Dr./Fresno 40 Dr. to Friant Rd	4-lanes/divided	NB	AM	351	C	412	C	489	C	656	C	717	C
			PM	658	C	751	C	845	C	1,240	D	1,333	D
		SB	AM	644	C	663	C	757	C	1,080	C	1,099	C
			PM	587	C	637	C	699	C	1,386	D	1,416	D
Cole Avenue													
Audubon Dr to Fresno St	2-lanes/divided	NB	AM	84	C	93	C	97	C	155	C	164	C
			PM	249	C	257	C	272	C	585	D	593	D
		SB	AM	184	C	216	C	227	C	390	C	422	C
			PM	72	C	202	C	205	C	287	C	417	C
Herndon Avenue													
SR 41 SB Off-Ramps to SR 41 NB Off-Ramps	6-lanes/divided	EB	AM	2,472	F[3][4]	2,472	F[3]	2,726	F[3]	3,018	F[3]	3,018	F[3]
			PM	2,966	F[3][4]	2,966	F[3]	3,271	F[3]	3,874	F	3,874	F
		WB	AM	2,781	F[3][4]	2,781	F[3]	2,974	F[3]	3,892	F	3,892	F
			PM	3,478	F[3][4]	3,478	F	3,750	F	4,699	F	4,699	F

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

(1) Segment description is based on number of lanes in both directions

(2) Highest volume of AM and PM peak hour

(3) LOS F condition is due to queuing conditions that were observed in the field rather than the Modified Arterial Level of Service Tables

(4) Exceeds Caltrans' minimum LOS standard of C. The existing LOS will now serve as the standard for the roadway segment.

2.0 EXISTING CONDITIONS

2.1 EXISTING TRAFFIC COUNTS AND ROADWAY GEOMETRICS

The first step toward assessing Project traffic impacts is to assess existing traffic conditions. Existing AM and PM peak hour turning movements were collected at each Project intersection by National Data & Surveying Services. Traffic counts were conducted for the peak hour periods of 7:00-9:00 AM and 4:00-6:00 PM for all key intersections during the weeks of September 16, 2007 and September 23, 2007, on a Tuesday, Wednesday, or Thursday. Reference Section 2.2 below for the dates of the traffic counts. Traffic count data worksheets are provided in Appendix D.

VRPA Technologies' staff conducted a field review during the AM and PM peak hours for the purpose of identifying intersections that were experiencing congestion. A list of intersections that experienced queuing and intersections that are operating at full capacity is provided below.

- **Palm Avenue at Nees Avenue**

  - Observation – In the AM and PM peak hour, the westbound (WB) left turning movement is queuing (approximately 375 feet), which causes traffic to obstruct the eastbound (EB) left turning movement at the Audubon and Nees Intersection. Queuing conditions last from approximately 7:30am until 8:00am in the AM peak hour and from 5:15pm until 5:30pm in the PM peak hour.

- **Audubon Drive at Nees Avenue**

  - Observation – In the PM peak hour, the EB left turning movement exceeds capacity (queue length approximately 315 feet) and traffic desiring to turn left is prohibiting through movement in lane # 1 in the EB direction. Queuing conditions last from approximately 5:15pm until 5:45pm.

  - Observation – In the AM peak hour, the SB approach exceeds capacity (queue length is approximately 750 feet, which extends beyond the Audubon Drive bend). Queuing conditions last from approximately 7:30am until 8:15am.

- **Blackstone Avenue at Nees Avenue**

  - Observation - In the AM and PM peak hour, the EB left turning movement exceeds capacity (queue length approximately 315 feet) and traffic desiring to turn left is prohibiting through movement in lane # 1 in the EB direction. Queuing conditions last from approximately 7:30am until 8:00am in the AM peak hour and from 4:45pm until 5:15pm in the PM peak hour.

  - Observation - In the AM and PM peak hour, the WB right turning movement exceeds capacity (queue length approximately 300 feet) and traffic desiring to turn right is prohibiting through movement in lane # 2 in the WB direction. Queuing conditions last from approximately 7:15am until 8:00am in the AM peak hour and from 5:15pm until 5:30pm in the PM peak hour.

- Observation - In the AM peak hour, the southbound (SB) right turning movement exceeds capacity (queue length approximately 215 feet) and traffic desiring to turn right is prohibiting through movement in lane # 3 in the SB direction. Queuing conditions last from approximately 7:30am until 8:30am.

- Observation - In the AM peak hour, the SR 41 SB on-ramp exceeds capacity (queue length approximately 550 feet) and traffic traveling in lane # 3 in the northbound (NB) direction is queuing into the intersection at Blackstone and Nees Avenues. Queuing conditions last from approximately 7:30am until 8:00am.

◆ **Friant Road at SR 41 SB Ramps**

- Observation - In the AM peak hour, the SR 41 SB on-ramp exceeds capacity (queue length approximately 550 feet) and traffic traveling in lane # 3 is queuing into the intersection at Blackstone and Nees Avenues. Queuing conditions last from approximately 7:30am until 8:00am.

- Observation - In the AM peak hour, the SR 41 SB loop-ramp exceeds capacity (queue length approximately 675 feet) and traffic traveling in lane # 2 and 3 in the WB direction are queuing into the Friant Road at SR 41 northbound ramps intersection. Traffic in the WB direction desiring to travel through the intersection is prohibited or must use lane number 1 in the WB direction. Queuing conditions last from approximately 7:15am until 8:15am.

◆ **Friant Road at SR 41 NB Ramps**

- Observation - In the AM peak hour, the SR 41 SB loop-ramp exceeds capacity (queue length approximately 675 feet) and traffic traveling in lane # 2 and 3 in the WB direction are queuing into the Friant Road at SR 41 NB ramps and Friant Road at Fresno Street intersections. Traffic desiring to turn left from the NB off-ramp must proceed cautiously because lane number 2 and 3 are blocked due to traffic utilizing the SB loop ramp. Queuing conditions last from approximately 7:15am until 8:15am.

◆ **Friant Road at Fresno Street**

- Observation – In the AM peak hour, the SR 41 SB loop-ramp exceeds capacity (queue length approximately 675 feet) and traffic traveling in lane # 2 and 3 in the WB direction are queuing into the Friant Road at SR 41 NB ramps and Friant Road at Fresno Street intersections. Therefore, traffic utilizing lane # 2 and 3 in the WB direction are queuing into the Friant Road at Audubon Drive Intersection (queue length approximately 1,175 feet). Queuing conditions last from approximately 7:15am until 8:15am.

- Observation - In the PM peak hour the NB (Fresno St) left turning movement is at capacity (queue length approximately 250 feet).

- **Friant Road at Audubon Drive**

  - Observation – In the AM Peak hour, traffic traveling in lane number 2 and 3 in the WB direction are queuing just east of the intersection due to traffic desiring to utilize the SB loop ramp at SR 41. These queuing conditions last from approximately 7:15am until 8:15am.

  - Observation - In the PM peak hour, the EB (Audubon Drive) left turning movement is at capacity (queue length approximately 200 feet).

- **Friant Road at Shepherd Avenue**

  - Observation – In the AM peak hour, the WB left turn movement exceeds capacity (queue length approximately 500 feet) at times and backs up slightly past the entrance into the Dominion Court Development. These queuing conditions occur off and on between 7:15am until 8:15pm.

- **Herndon Avenue at SR 41 NB Ramps**

  - Observation – In the AM and PM peak hour, the SR 41 SB loop-ramp exceeds capacity (queue length approximately 625 feet) and traffic traveling in lane number 3 in the WB direction is queuing into the Herndon Avenue at SR 41 NB ramps and Herndon Avenue at Fresno Street intersections. Queuing conditions last from approximately 7:15am until 8:15am in the AM Peak Hour and 4:30pm until 5:30pm in the PM peak hour.

- **Herndon Avenue at SR 41 SB Ramps**

  - Observation - In the AM and PM peak hour, the SR 41 SB loop-ramp exceeds capacity (queue length approximately 625 feet) and traffic traveling in lane number 3 in the WB direction is queuing into the Herndon Avenue at SR 41 NB ramps and Herndon Avenue at Fresno Street intersections. Queuing conditions last from approximately 7:15am until 8:15am in the AM Peak Hour and 4:30pm until 5:30pm in the PM peak hour.

2.2 EXISTING FUNCTIONAL ROADWAY CLASSIFICATION SYSTEM

Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the type of service they are intended to provide. Fundamental to this process is the recognition that individual streets and highways do not serve travel independently in any major way. Rather, most travel involves movement through a network of roads.

Streets and highways shown on the City of Fresno 2025 General Plan Circulation Element Map (reference Appendix E) are described and classified according to their primary function. The current hierarchal system of roadways consists of the following six basic classifications[3]:

3: City of Fresno 2025 General Plan, Public Facilities Element, Page 67

- **Freeways** - are high-speed facilities with full access control. Access and egress to freeways are provided by a system of ramps and interchanges. There are no at-grade intersections on freeways and no traffic control devices such as traffic signals. Right-of-way and cross-sections for freeways are determined by Caltrans on a case-by-case basis. SR 41 is located less than a half mile from the proposed Project site.

- **Expressways** – are high-speed, four- to six-lane divided roadways, primarily servicing through and cross-town traffic, with no direct access to abutting property and at-grade intersections located at approximately half-mile intervals. Herndon Avenue is the only roadway segment classified as an expressway near the project.

  - **Herndon Avenue (between Fresno Street and Blackstone Avenue)** – currently a divided six-lane road without bike lanes, with a posted speed limit of 50 mph.

- **Super Arterials** – Four-to six-lane divided roadways with a primary purpose of moving traffic to and from major traffic generators and between community plan areas. A select number of access points to adjacent properties or local streets between the major street intersections may be approved by the City of Fresno. Access will typically be limited to right-turn entrance and exit vehicular movements. Special circumstances, as determined by the City of Fresno, may justify a median island opening between intersections, which allow left-turn movement from the super arterial street to an adjoining property or local street.

  - **Friant Road (between Audubon Drive and SR 41 NB Off-Ramp)** – currently a divided six-lane road without bike lanes, with a posted speed limit of 45 mph.

- **Arterials** – Four- to six-lane divided roadways, with somewhat limited access to abutting properties, and with the primary purpose of moving traffic within and between community plan areas and to and from freeways and expressways. In addition to major street intersection, appropriately designed and spaced local street intersections may allow left-turn movements to and from the arterial streets, subject to approval by the City of Fresno.

  - **Shepherd Avenue (between Friant Road and Perrin Avenue)** – currently a divided four-lane road without bike lanes, with a posted speed limit of 40 mph.

  - **Nees Avenue (between First Street and Palm Avenue)** – currently a divided four-lane road with bike lanes, with a posted speed limit of 45 mph.

  - **Fresno Street (between Friant Road and Nees Avenue)** – currently a divided four-lane road without bike lanes, with a posted speed limit of 45 mph.
  - **Blackstone Avenue (between Nees Avenue and Alluvial Avenue)** – currently a divided four-lane road with bike lanes, with a posted speed limit of 45 mph.

- **Scenic Arterial**

- **Audubon Drive (between Friant Road and Nees Avenue)** – currently a divided four-lane road with bike lanes, with a posted speed limit of 40 mph.

- **Collectors** – Two- to four-lane undivided roadways, with the primary function of connecting local streets and arterials and neighborhood traffic generators and providing access to abutting properties.

- **Scenic Collector**

  - **Audubon Drive (between Friant Road and Del Mar Avenue)** – currently a divided four-lane road with bike lanes, with a posted speed limit of 40 mph.

  - **Audubon Drive (between Del Mar Avenue and Nees Avenue/Palm Avenue)** – currently an undivided two-lane road with bike lanes, with a posted speed limit of 35 mph.

- **Local Streets** – Two- to three-lane public or private roadways designed to provide direct access to properties while discouraging through traffic between major streets. They are intended to carry low volumes of traffic and support unrestricted on-street parking. Local streets are not shown on the Circulation Element, and are not considered to be Circulation Element roadways.

Public Transit Facilities

The major provider of public transportation within the Fresno metropolitan area is the Fresno Area Express (FAX). FAX provides both scheduled fixed-route service and paratransit demand-responsive service. Currently, the Project site can be accessed by the FAX bus system. Bus route #30 runs adjacent to the Project site along Friant Road, Audubon Drive, and Cole Avenue. The frequency of the stops along Friant Road, Audubon Drive, and Cole Avenue is approximately 15 minutes traveling northbound and 15 minutes traveling southbound. Service runs from 5:45AM to 10:00PM on weekdays and from 6:35AM to 7:15PM on weekends. Bus route #56 runs adjacent to the Project site along Friant Road. The frequency of the stops along Friant Road is approximately 30 minutes traveling northbound and 30 minutes traveling southbound. Service runs from 7:00AM to 7:00PM on weekdays. FAX bus schedules for routes #30 and #56 can be found in Appendix F.

Multi-Purpose Trail Facilities

In order to foster non-motorized travel in urbanized areas, the City of Fresno is proposing to develop a system of multi-purpose trails, linking residential areas with more intense activity area of the city. The planned trail network will provide access, where appropriate, to open space and recreation features such as the San Joaquin river bottom and the Fancher Creek environs. The City of Fresno 2025 Multi-Purpose trails plan map can be found in Appendix G. A multi-purpose trail runs adjacent to the Project site along Cole Avenue. This trial connects to the River Park area to the south and connects to Shepherd Avenue to the north. The trail then runs along Shepherd Avenue (heading east) to Winery Avenue. Other pedestrian facilities will also be incorporated into the Project including sidewalks and internal walkways that connect various project uses. Furthermore, pedestrian access facilities will be provided between the Project site and the trail. Finally, all intersection improvements will be constructed in accordance with City Standards.

2.3 AFFECTED STREETS AND HIGHWAYS

Street and highway intersections and segments near and adjacent to the Project site were analyzed to determine levels of service utilizing HCM-based methodologies described previously. The study intersections and street and highway segments include:

Intersections:	**Date Counted**
♦ Friant Road / Shepherd Avenue	9/19/2007
♦ Friant Road / Audubon Drive[4]	9/18/2007
♦ Friant Road / Fresno Street	9/19/2007
♦ Friant Road / SR 41 NB Off-Ramp	9/18/2007
♦ Friant Road / SR 41 SB Off-Ramp	9/19/2007
♦ Blackstone Avenue / Nees Avenue	9/19/2007
♦ Palm Avenue / Nees Avenue	9/20/2007
♦ Audubon Drive / Nees Avenue	9/20/2007
♦ Audubon Drive / Woodward Park Ent-Businees Park Ent	9/25/2007
♦ Audubon Drive / Cole Avenue	9/19/2007
♦ First Street / Nees Avenue	9/25/2007
♦ Fresno Street / Business Park Ent	9/25/2007
♦ Fresno Street / Nees Avenue	9/19/2007
♦ Herndon Avenue / SR 41 SB Off-Ramp	9/20/2007
♦ Herndon Avenue / SR 41 NB Off-Ramp	9/20/2007

Segments:

- ♦ Friant Road between:
  - Shepherd Avenue and Audubon Drive
  - Audubon Drive and Fresno Street
  - Fresno Street and SR 41 NB Off-Ramps
  - SR 41 NB Off-Ramps and SR 41 SB Off-Ramps
  - SR 41 SB Off-Ramps and Nees Avenue
- ♦ Audubon Drive between:
  - Nees Avenue and Cole Avenue
  - Cole Avenue and Friant Road
  - Friant Road and Woodward Park Entrance
  - Woodward Park Entrance and Nees Avenue
- ♦ Nees Avenue between:
  - Audubon Drive/First Street and Fresno Street

4: Pedestrian counts were also collected

- Fresno Street and Blackstone Avenue
- Blackstone Avenue and Audubon Drive
- Audubon Drive and Palm Avenue

- Fresno Street between:
  - Nees Avenue and Business Park Driveway/Fresno 40 Driveway
  - Business Park Driveway/Fresno 40 Driveway and Friant Road
- Cole Avenue between:
  - Audubon Drive and Fresno Street
- Herndon Avenue between:
  - SR 41 SB Off-Ramps and SR 41 NB Off-Ramps

The existing lane geometry at key study area intersections is shown in Figure 2-1. Eleven (11) of the study intersections are currently signalized and four (4) are unsignalized. Figures 2-2 and 2-3 show existing traffic volumes for the AM and PM peak hours in the study area.

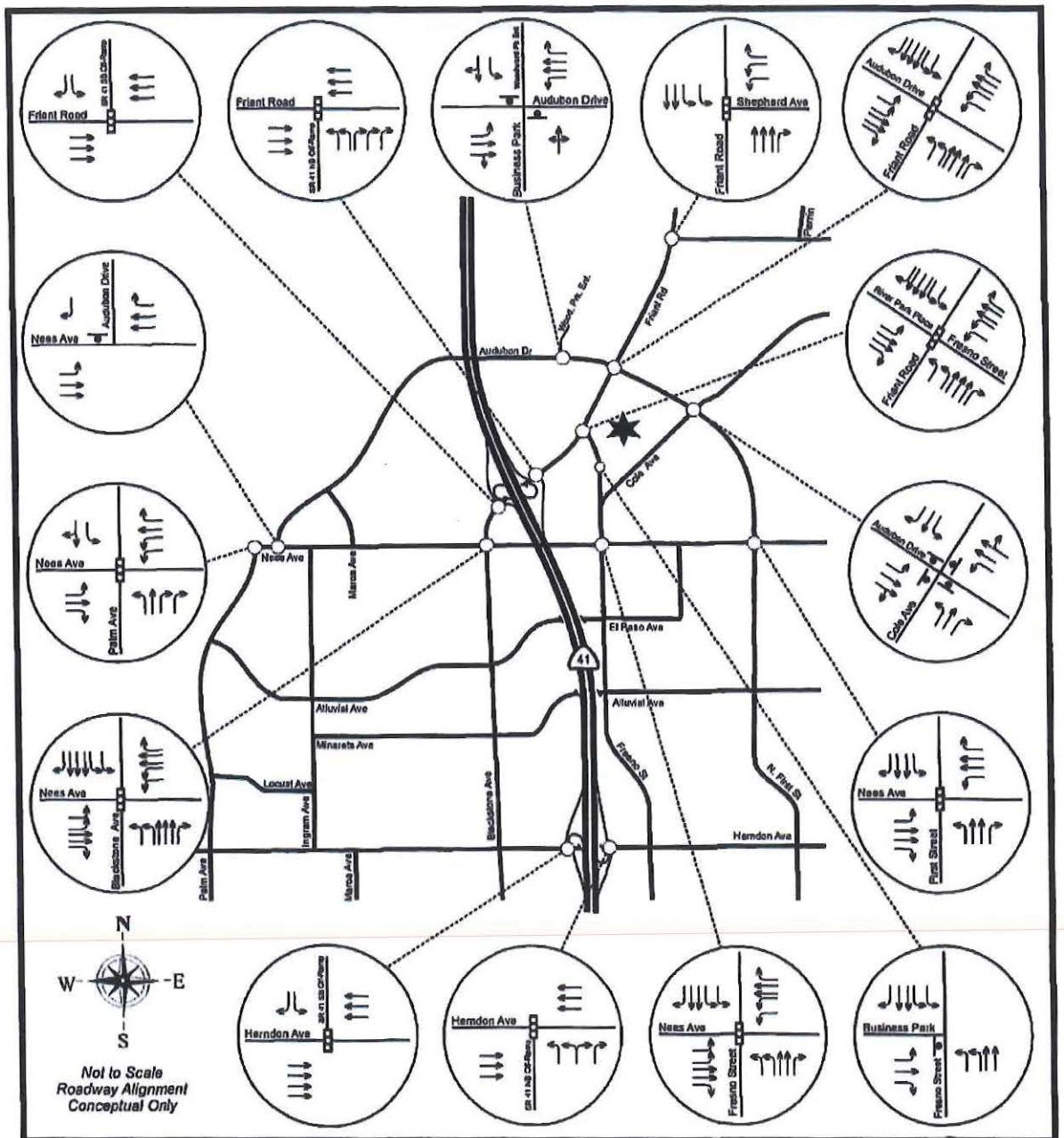
2.4 LEVEL OF SERVICE

Intersection Capacity Analysis

All intersection LOS analyses were estimated using Synchro 7 Software. Various roadway geometrics, traffic volumes, and properties (signal timing, peak hour factors, etc) were input into the Synchro 7 Software program in order to accurately determine the travel delay and LOS for each Study scenario.

Signal timing sheets (provided by the City of Fresno and Caltrans) were used to input walk time, don't walk time, minimum initial time, maximum limit time, and yellow times for each study intersection. Signal timing sheets can be found in Appendix H. Peak hour factors for each approach (determined by the existing traffic counts) were input for the existing, existing plus project, and near-term scenarios. For all other scenarios, a peak hour factor of 0.92 was input. Signal phasing remained constant throughout scenarios unless the Project specifically changed an intersection. All signals were assumed to be actuated and not coordinated, with the exception of the traffic signal at the SR 41 SB/NB Off-Ramps / Herndon Avenue intersection.

Existing left- and right-turn storage pockets were measured and rounded to the nearest 25 feet in the field by VRPA Technologies' staff. This information was included in the analysis of existing conditions and can be found in Appendix I.

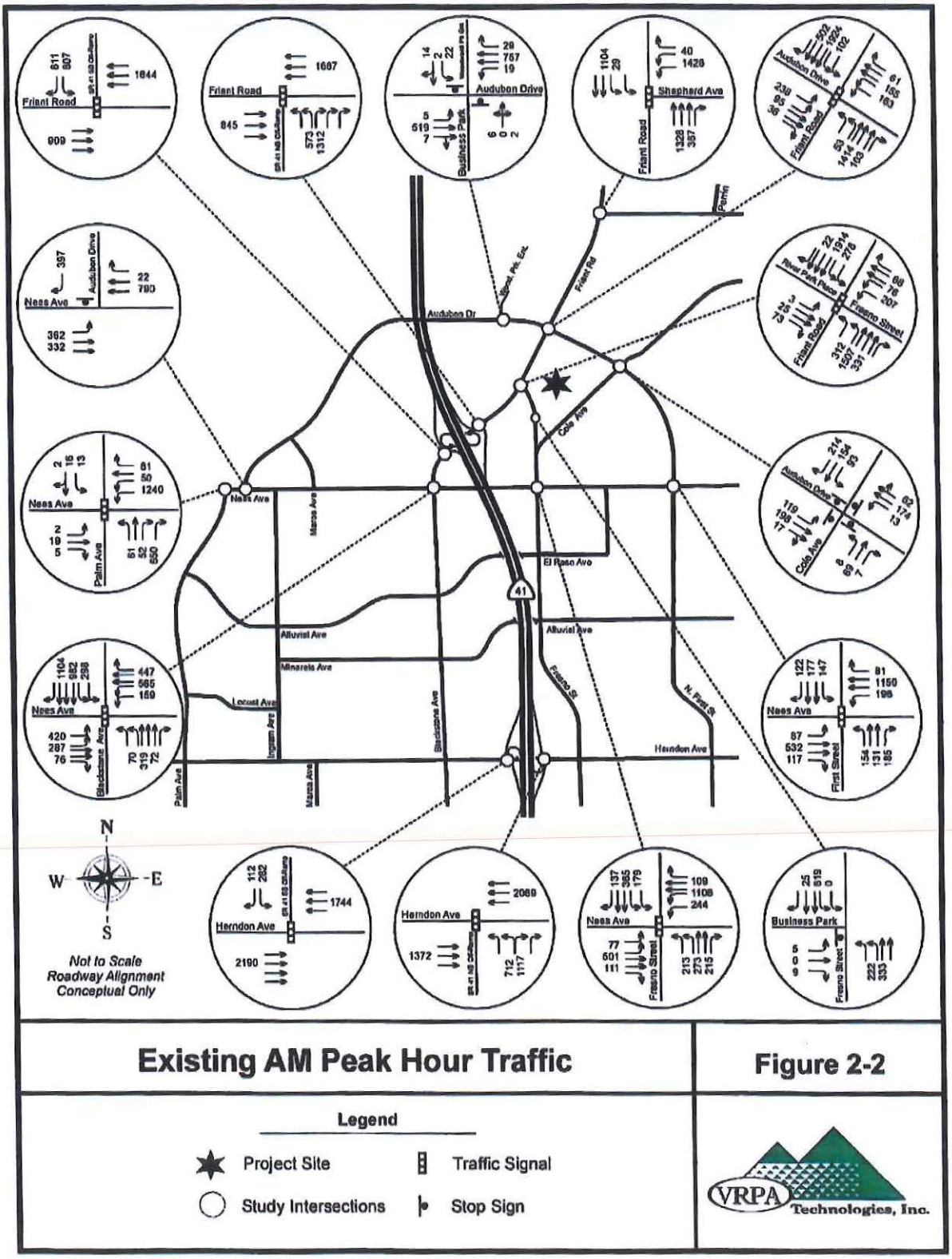


Existing Lane Geometry | **Figure 2-1**

Legend

- Project Site
- Study Intersections
- Traffic Signal
- Stop Sign

VRPA Technologies, Inc.



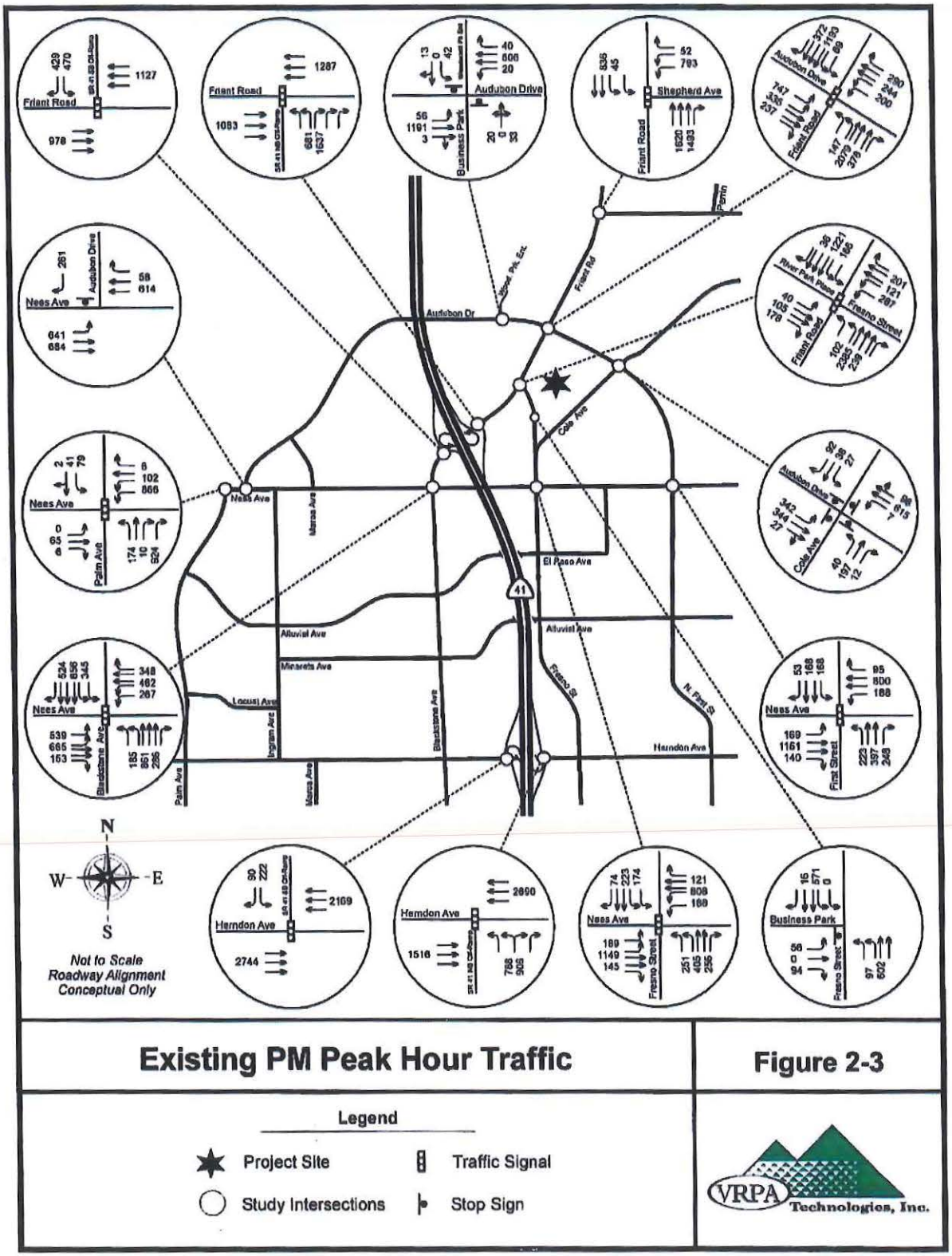
Existing AM Peak Hour Traffic

Figure 2-2

Legend

- Project Site
- Traffic Signal
- Study Intersections
- Stop Sign

VRPA Technologies, Inc.



Existing PM Peak Hour Traffic

Figure 2-3

Legend

- Project Site
- Study Intersections
- Traffic Signal
- Stop Sign

VRPA Technologies, Inc.

For reference, Synchro LOS worksheets are provided in Appendix J. Results of the analysis show that nine (9) of the study intersections are operating worse than the minimum level of service. Table 2-1 shows the intersection LOS for the existing conditions.

Based on observed traffic conditions in the AM and PM peak hours, several of the study area intersections experience queuing issues where traffic backs up from a ramp meter and/or adjacent intersection into the subject intersection. In these cases, capacity analysis using Synchro or other LOS methodologies is different from actual conditions due to queuing. The Synchro capacity analysis procedures provide an indication of whether the intersection can accommodate traffic approaching the intersection in the direction of the traffic stream. Therefore, an intersection can be reported to be at a good level of service when it is actually operating poorly because of the presence of queues due to upstream ramp meters and/or intersections. In order to provide a more accurate reporting of the existing condition, locations where queues were observed to occur were reported as operating at level of service F. In these cases the queuing effect was considered to supersede the LOS results reports by Synchro (See Appendix J). These locations were noted in the intersection capacity analysis table for existing conditions (See Table 2-1).

Segment Capacity Analysis

Results of the AM and PM peak hour LOS segment analysis along the existing street and highway system in the project area are reflected in Table 2-2. Street segment capacity was determined using information shown in Table 2-3, which comes from the Modified Arterial Level of Service Tables included in Appendix B.

Based on observed traffic conditions in the AM and PM peak hours, several of the study area roadway segments experience queuing issues where traffic backs up from a ramp meter and/or adjacent intersection into the next intersection. In these cases, segment analysis using Modified HCM-Based (Florida Table) methodologies is different from actual conditions due to queuing. The Modified HCM-Based capacity analysis procedures provide an indication of whether the roadway segment can accommodate traffic traveling in the direction of the traffic stream. Therefore, a roadway segment can be reported to be at a good level of service when it is actually operating poorly because of the presence of queues due to upstream ramp meters and/or intersections. In order to provide a more accurate reporting of the existing condition, locations where queues were observed to occur were reported as operating at level of service F. In these cases the queuing affect was considered to supersede the LOS results reported by the Modified HCM-Based Tables. These locations were noted in the segment capacity analysis table for existing conditions (See Table 2-2).

Table 2-1
Intersection Operations

INTERSECTION	PEAK HOUR	EXISTING	
		DELAY	LOS
Friant Road / Shepherd Avenue[1]	AM	--[5]	F[5]
	PM	>80.0	F
Friant Road / Audubon Drive[1]	AM	--[5]	F[5]
	PM	>80.0	F
Friant Road / Fresno Street[1]	AM	--[5]	F[5]
	PM	--[5]	F[5]
Friant Road / SR 41 NB Off-Ramp[1]	AM	--[5]	F[5][6]
	PM	41.6	D[6]
Friant Road / SR 41 SB Off-Ramp[1]	AM	--[5]	F[5][6]
	PM	19.7	B
Blackstone Avenue / Nees Avenue[1]	AM	>80.0	F
	PM	--[5]	F[5]
Palm Avenue / Nees Avenue[1]	AM	--[5]	F[5]
	PM	--[5]	F[5]
Audubon Drive / Nees Avenue[2]	AM	N/A	F
	PM	--[5]	F[5]
Audubon Drive / Woodward Park Ent-Businees Park Ent[3]	AM	N/A	E*
	PM	N/A	F*
Audubon Drive / Cole Avenue[4]	AM	18.9	C
	PM	>50.0	F
First Street / Nees Avenue[1]	AM	35.0	C
	PM	47.1	D
Fresno Street / Business Park Ent[2]	AM	N/A	D
	PM	N/A	D
Fresno Street / Nees Avenue[1]	AM	34.6	C
	PM	35.5	D
Herndon Avenue / SR 41 SB Off-Ramp[1]	AM	--[5]	F[5][6]
	PM	--[5]	F[5][6]
Herndon Avenue / SR 41 NB Off-Ramp[1]	AM	--[5]	F[5][6]
	PM	--[5]	F[5][6]

DELAY is measured in seconds
LOS = Level of Service / BOLD denotes LOS standard has been exceeded
N/A = LOS for One and Two-way stop controlled intersection is shown for worst turning movement

(1) Signalized Intersection. Delay results show the average delay for the entire intersection.
(2) One-way Stop Controlled Intersection. Delay results not applicable. The LOS is shown for the worst movement.
(3) Two-way Stop Controlled Intersection. Delay results not applicable. The LOS is shown for the worst movement.
(4) Four-way Stop Controlled Intersection. Delay results show the average delay for the entire intersection.
(5) LOS F condition is due to queuing condtions that were observed in the field rather than the Synchro intersection capacity analysis
(6) Exceeds Caltrans' minimum LOS standard of C. The existing LOS will now serve as the standard for the intersection.
* Does not meet Signal Warrant

Table 2-2
Street Segment Operations

STREET SEGMENT	SEGMENT DESCRIPTION[1]	DIRECTION	PEAK HOUR[2]	EXISTING	
				VOLUME	LOS
Friant Road					
Shepherd Ave to Audubon Dr	6-lanes/divided	NB	AM	1,715	C
			PM	3,116	F
		SB	AM	2,532	F[3]
			PM	1,634	C
Audubon Dr to Fresno St	6-lanes/divided	NB	AM	1,578	C
			PM	2,626	F
		SB	AM	2,214	F[3]
			PM	1,630	C
Fresno St to SR 41 NB Off Ramps	6-lanes/divided	NB	AM	2,157	D
			PM	2,726	F
		SB	AM	2,194	F[3]
			PM	1,686	C
SR 41 NB Off Ramps to SR 41 SB Off Ramps	6-lanes/divided	NB	AM	1,716	C
			PM	1,448	C
		SB	AM	2,240	F[3][4]
			PM	1,968	D[4]
SR 41 SB Off Ramps to Nees Ave	6-lanes/divided	NB	AM	1,186	C
			PM	1,748	D
		SB	AM	2,455	E
			PM	1,556	C
Audubon Drive					
Nees Ave to Cole Ave	4-lanes/divided	EB	AM	446	C
			PM	389	C
		WB	AM	299	C
			PM	718	C
Cole Ave to Friant Rd	4-lanes/divided	EB	AM	334	C
			PM	782	C
		WB	AM	396	C
			PM	747	C
Friant Rd to Woodward Park Entrance	4-lanes/divided	EB	AM	543	C
			PM	1,319	D
		WB	AM	805	C
			PM	763	C
Woodward Park Entrance to Del Mar Ave	4-lanes/divided	EB	AM	531	C
			PM	1,250	D
		WB	AM	777	C
			PM	539	C
Del Mar Ave to Nees Ave	2-lanes/divided	EB	AM	384	C
			PM	699	D
		WB	AM	397	C
			PM	261	C
Nees Avenue					
Audubon Dr/First St to Fresno St	4-lanes/divided	EB	AM	895	C
			PM	1,579	D
		WB	AM	1,459	D
			PM	1,117	C
Fresno St to Blackstone Ave	4-lanes/divided	EB	AM	699	C
			PM	1,483	D
		WB	AM	1,456	D
			PM	1,133	C
Blackstone Ave to Audubon Dr	4-lanes/divided	EB	AM	783	C
			PM	1,357	D
		WB	AM	1,739	F
			PM	1,171	D
Audubon Dr to Palm Ave	4-lanes/divided	EB	AM	694	F[3]
			PM	1,068	F[3]
		WB	AM	1,351	F[3]
			PM	974	F[3]
Fresno Street					
Nees Ave to Business Park Dr./Fresno 40 Dr.	4-lanes/divided	NB	AM	555	C
			PM	715	C
		SB	AM	681	C
			PM	865	C
Business Park Dr./Fresno 40 Dr. to Friant Rd	4-lanes/divided	NB	AM	351	C
			PM	658	C
		SB	AM	644	C
			PM	587	C
Cole Avenue					
Audubon Dr to Fresno St	2-lanes/divided	NB	AM	84	C
			PM	249	C
		SB	AM	184	C
			PM	72	C
Herndon Avenue					
SR 41 SB Off-Ramps to SR 41 NB Off-Ramps	8-lanes/divided	EB	AM	2,472	F[3][4]
			PM	2,966	F[3][4]
		WB	AM	2,781	F[3][4]
			PM	3,478	F[4]

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

(1) Segment description is based on number of lanes in both directions

(2) Highest volume of AM and PM peak hour

(3) LOS F condition is due to queuing conditions that were observed in the field rather than the Modified Arterial Level of Service Tables

(4) Exceeds Caltrans' minimum LOS standard of C. The existing LOS will now serve as the standard for the roadway segment.

Table 2-3
Peak Hour One-Way Volumes

Level of Service						
Lanes	Divided	A	B	C	D	E
1	Undivided	**	**	480	760	810
1	Divided	**	**	504	798	850
2	Divided	**	**	1,120	1,620	1,720
3	Divided	**	**	1,740	2,450	2,580
4*	Divided	**	**	2,240	3,240	3,440

* 4 lane divided was calculated by doubling the 2 lane divided volumes

CTS Research Brief

Safety and Risk in Modern Urban Roundabouts

Studies investigate bike and pedestrian risks and the effects of signing and striping

Research Background

Roundabouts are a fairly recent addition to the road system in the United States, and their relative newness has made them a topic of much discussion and debate. Two studies from researchers at the University of Minnesota aim to shed light on two key issues surrounding roundabouts.

Roundabouts provide proven benefits to vehicle traffic in terms of safety and efficiency. They create higher vehicle flows in all directions with virtually no impediments and dramatically reduce the incidence of fatal and severe-injury crashes compared to traditional signalized intersections.	Roundabouts have generated a significant number of complaints from pedestrians and bicyclists, suggesting difficulties and safety concerns. In addition, drivers throughout the country continue to misunderstand the rules of the roundabout, resulting in improper use and avoidable collisions.

"The general public and the pedestrian and biking communities often have concerns about roundabouts, but this study shows that the experience of the pedestrian in a roundabout is actually a positive one. We can use this research to help overcome the disconnect between public perception and the facts."

— Klayton Eckles, Engineering and Public Works Director, City of Woodbury

Pedestrian/Bicyclist Safety and Risk

The first study focused on the experience of bicyclists and pedestrians using roundabout crossings and examined the conditions that affect the yielding behavior of drivers. To collect data for this study, researchers from the Minnesota Traffic Observatory (MTO) positioned specialized video surveillance equipment at two carefully selected Twin Cities-area roundabouts, one in Minneapolis and another in Richfield. Over the course of 32 days (16 days at each of the sites), surveillance equipment captured nearly 14,000 pedestrian crossing events and more than 17,000 bicycle crossing events.

Once the data were collected, researchers reviewed, coded, and analyzed each of the crossing events according to a number of factors, including who yielded, the location of the crossing, and the number of subjects involved. Researchers then looked deeper into a random sample of these crossing events to consider the conditions inside the roundabout before the vehicle proceeded to the crossing and met with the pedestrian or bicyclist. The data were then analyzed as a whole to shed light on the issue of pedestrian and cyclist safety and risk at modern urban roundabout crossings.

30-second delay

3-second delay

Overall average pedestrian/bicyclist delay for Richfield roundabout vs. similar signalized intersection

Pedestrian/bicyclist average delay at roundabout

	Average delay at exits with traffic interaction	Average delay when drivers didn't yield	Overall delay considering cases with no traffic interaction
Richfield roundabout	9.04 seconds	10.6 seconds	2.66 seconds
Minneapolis roundabout	1.6 seconds	4.08 seconds	0.71 seconds

Effects of Signing and Striping

A second study conducted by MTO researchers examined the before-and-after effects of signing and striping on a modern two-lane roundabout in Richfield. After its completion, this roundabout exhibited an abnormal number of crashes. In response, local engineers experimented with changes in the roundabout's signs and striping. MTO researchers analyzed crash records and examined hundreds of hours of video to compare the crash rates and number of violations committed by drivers before and after the changes.

Research Findings

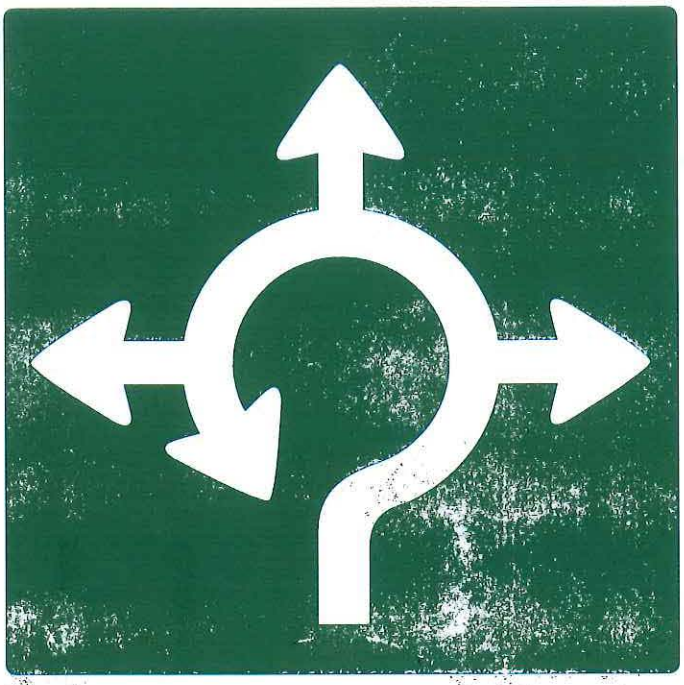
Pedestrian/Bicyclist Safety and Risk

The results of this study highlight the existence of friction between pedestrians and drivers at roundabout crossings. Minnesota law requires that all vehicles yield for pedestrians at crossings, yet they did not always do so. In Richfield, drivers yielded about 42% of the time, while in Minneapolis drivers yielded approximately 83% of the time.

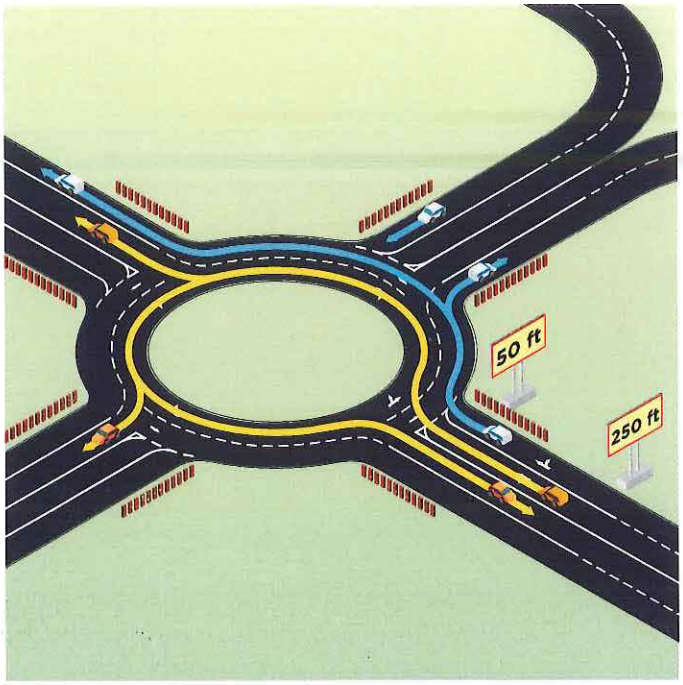
Where the pedestrian or bicycle crossing starts, and the direction the vehicle is driving, are important determinants of drivers' yielding behavior:

- If a bike or pedestrian crossing starts in the roundabout island, a driver is more likely to yield.
- If a vehicle is exiting the roundabout, the driver is much less likely to yield.
- Drivers tend to yield more frequently to larger groups of bicyclists and pedestrians.
- Vehicles exiting the roundabout that have entered at the immediate upstream entrance (right-turning movement) have an increased probability of yielding.
- The more vehicles in the roundabout, the less likely drivers are to yield to pedestrians.

Despite the delays pedestrians and bicyclists experienced when drivers failed to yield, researchers found that the average delays were much shorter than delays at signalized intersections. For example, if the Richfield intersection were signalized, the average delay for a pedestrian or bicyclist would be 30 seconds; pedestrians and bicyclists at the Richfield roundabout experienced an average delay of less than 3 seconds.



Traditional fish-hook-style roundabout signs caused confusion among drivers.



Extending solid ling striping from 50 to 250 feet before a roundabout helps drivers choose and remain in the correct lane.

Effects of Signing and Striping

The findings for this study indicate that the changes in signing and striping have made the Richfield roundabout safer. In particular, extending the solid line leading up to the intersection approach from 50 feet to 250 feet seems to have reinforced the message to drivers that they must select the correct lane before approaching the roundabout entrance, reducing the occurrence of drivers making an improper turn and the need for a driver to change lanes within the roundabout.

Another important finding of this study was that the traditional fish-hook style roundabout signs and complex striping patterns often cause confusion among drivers. "Getting rid of the fish-hook signs and simplifying the striping really made a difference," says Richfield city engineer Kristin Asher. "Our biggest problem before the restripe was left turns from the outside lane causing conflicts and crashes. Once the fish-hook signs were replaced with traditional lane-designation signs and the skips were removed from the circulatory lanes, those crashes essentially disappeared."

Prior to the changes, left turns from the outer lane accounted for 45% of the recorded crashes. Immediately after the changes, the occurrence of improper turns decreased by 48% and incorrect lane choice was reduced by 53%. One year after the changes, the safety improvements were still significant: the occurrence of improper turns was still down 44% and incorrect lane choice was reduced 50% compared to the "before" scenario.

Conclusions and Policy Implications

Providing the public with research-based facts to counter objections may help win over roundabout opponents. For example, while this research demonstrates that pedestrian and bicyclist delays at roundabouts are shorter than those at signalized intersections, the numbers taken literally may not describe the perceived delay experienced by the pedestrian. "At a signalized intersection, pedestrians don't have to interact with traffic, while at a roundabout pedestrians have the right-of-way, and the frustrating, non-yielding behavior of many drivers intensifies the delay experience," says the study's lead researcher, MTO director John Hourdos.

These latest roundabout research findings can also be used to improve the safety of modern urban roundabouts for all transportation modes. To improve safety for pedestrians and bicyclists, roundabout exits should be given more attention, as the location of the pedestrian crossing at a roundabout exit has the strongest influence on the driver's yielding behavior. Therefore, roundabout exits have a greater need for pedestrian warning devices, visible indicators that pedestrians have the right-of-way, and scrutiny regarding the distance of pedestrian crossings from the roundabout.

It's also important to remember that roundabouts still pose problems for the safety and comfort of visually impaired individuals. "Working only with the fact that at the Richfield roundabout the driver yielding rate was at best 45%, it's clear that visually impaired individuals cannot assume drivers see them, are willing to stop, or are moving slowly, which are common safe assumptions made at regular signalized intersections," Hourdos says. "These problems are similar to those that a visually impaired individual would experience at any uncontrolled intersection with comparable volumes."

To improve safety and decrease driver confusion, it may be necessary to look beyond the current design guidelines for roundabout markings, which are still relatively immature. For example, while numerous details have been added and clarified in the *Manual on Uniform Traffic Control Devices* guidelines for roundabout markings, there is no specific guideline on the length of the solid line between lanes at the entrances, and most figures show the line turning to dashed shortly upstream of the pedestrian crossing. Researchers found that extending the solid line at the approach to a two-lane roundabout improves safety by helping drivers select the correct lane before entering the roundabout, and believe this is an area where improvements can be made to the current guidelines.

"Both these studies deal with the standards for and perceptions of safety and mobility in roundabouts for both drivers and pedestrians. Through these studies, we can separate the perceptions from the truth and learn about the real strengths and weaknesses of roundabouts in the United States."

—John Hourdos, Director, Minnesota Traffic Observatory

About the Research

The ***Investigation of Pedestrian/Bicyclist Risk in Minnesota Roundabout Crossings*** study was conducted by MTO director John Hourdos and civil engineering professor Gary Davis. The research was sponsored by the Minnesota Department of Transportation. The final research report is available for download at **cts.umn.edu/Research/ProjectDetail.html?id=2010099**.

The ***Effects of Signing and Striping on the Safety of a Modern Two-Lane Roundabout*** study was also conducted by Hourdos and Davis. The research was sponsored by the Minnesota Local Road Research Board. Read more at **cts.umn.edu/Research/ProjectDetail.html?id=2012002.**

Florida Department of Transportation
Summary of Final Report, WPI# 0510824
September 2000

BICYCLE AND PEDESTRIAN CONSIDERATIONS AT ROUNDABOUTS

PROBLEM STATEMENT

Roundabouts are designed to resolve conflicts between two competing traffic movements. The basic principle is to channel vehicle paths in order to disperse conflicts that concentrate at conventional intersections and resolve them in an appropriate manner. Roundabouts allow continuous flow of traffic while slowing down vehicular speed. Three main differences distinguish roundabouts from traffic circles: yield-at-entry, deflection, and flare. Traffic circles are ideally designed to operate within the geometric constraints of intersections and to cause vehicles to come to a complete stop before entering the circle.

When used appropriately, roundabouts can have a significant, positive effect on safety, decreasing traffic speed by *85%* and reducing accidents. Several studies have shown, however, that unlike motorists, bicyclists do not receive the same safety benefits from utilizing roundabouts. Surveys taken from bicyclists indicated that they found roundabout treatment significantly more stressful to negotiate than other forms of treatment, particularly on roads with heavy traffic. Researchers have found that roundabouts affect bicyclists' choices of routes on regular journeys.

Recently, traffic circles and roundabouts have begun to gain acceptance and popularity throughout the U.S. In South Florida, residents from several cities have requested that roundabouts be implemented on state roads as a traffic calming measure. The safety of bicyclists in roundabouts, however, remains a serious concern. According to the *Design Guide and Evaluation Plan for Modern Roundabouts in Florida*, "no special markings or lanes are generally needed in the roundabouts to accommodate the bicyclists." Studies have indicated, however, that there is an urgent need to investigate the safety and effectiveness of roundabouts with bicyclists as a traffic component, as well as to enhance the roundabout design guidelines to include considerations of safety for bicyclists.

OBJECTIVES

The objectives of this project are to study select roundabout and traffic circles in Districts IV and VI, to evaluate their effectiveness, and to identify hazardous conditions and safety features for the circulation of bicyclists within these facilities. The results will be used to develop an enhanced geometric design of roundabouts, as well as useful guidelines for signage and markings for the safe circulation of bicyclists.

FINDINGS AND CONCLUSIONS

Among the conclusions drawn from this study are the following:

- The introduction of roundabouts leads to a slight reduction in pedestrian casualty accidents, yet increases bicycle casualty accidents.

- Casualty accident rates are reduced by 68% following the installation of roundabouts.

- Roundabouts effectively reduce right-angled accidents by 87%, with a 47% reduction in overall reported accidents.

- Bicycle accident rates at roundabouts are 15 times those of cars, and pedestrian accident rates are equivalent to those of cars.

- Accident studies found that multi-lane roundabouts are more stressful to bicyclists than single-lane roundabouts.

- In comparison, multilane roundabouts are not as safe as single-lane roundabouts, since pedestrians have to cross a larger distance. In most situations, single-lane roundabouts provide a satisfactory level of safety for bicyclists compared to other types of controlled intersections. This is due to the lower speeds of vehicles, as well as fewer conflict points, compared to multi-lane roundabouts or other types of intersections.

- Special provisions for bicyclists are not normally required at roundabouts. Several guidelines recommend the provision of a special bicycle facility in case of high bicycle volume at the ***outer perimeter*** of the roundabout, if space permits.

- The majority of roundabout design guidelines recommend offsetting the pedestrian crossing by one to three car lengths from the yield line of the roundabout. This will allow the motorists that are approaching the roundabout to yield to pedestrians that are crossing the approaches, which will then cause motorists to look for an acceptable gap in order to merge with the circulating flow.

- Crossing provisions are preferable, in association with splitter islands, either as an unmarked crossing place with curb cuts or incorporated into a marked crossing.

- The yield line pavement marking should be aligned with the edge of the splitter island.

- Avoid over signing at roundabout locations to avoid confusion when driving.

- Neither landscaping nor warning and directional signs should obstruct a driver's line of sight at roundabouts.

- When pedestrian and bicycle crossings are added to an approach of a roundabout, all measured indicators show a significant increment to that approach, as well as a variable reduction for the other approaches. Because the location of the crossing is on one approach

only, the vehicles that stop for pedestrians and/or bicycles crossing the approach create a gap that is in turn utilized by the entities at the other locations of the roundabout.

- The introduction of bicycle lanes reduces the average overall times in the roundabout for the vehicles on the north and south approaches, while the overall time for the vehicles on the west and east approaches tends to increase.

Due to the dearth of modern roundabouts in South Florida, several observations were made at traffic circles. Also, the values for average speeds and follow-up time were observed at only one roundabout located in Boca Raton. Thus, further work is recommended to determine precisely the impact of different bicycle and pedestrian treatment at roundabouts.

This research project was conducted by L. David Shen, Ph.D, P.E., at Florida International University. For more information, contact Project Manager, Beatriz Caicedo, P.E., at (954) 777-4336, beatriz.caicedo@dot.state.fl.us

Re: River West Fresno, Eaton Trail Extension Project:
San Joaquin River Access Coalition's Comments on Draft EIR
(State Clearinghouse No. 2014061017)

Exhibit "B"

SPANO
ENTERPRISES

March 27, 2017

Andreas Borgeas, Chairman of the Conservancy
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727

Dear Chairman Borgeas,

The Spano family has long supported the Conservancy and its efforts to create a sustainable trail system for the public's use and enjoyment of the San Joaquin River. In that spirit I endeavor to help the River West Project come to fruition by promoting a public parking option at Palm and Nees.

At the March 14, 2017 community meeting, it appeared to me that amongst all the alternatives of the Draft Environmental Impact Report the most appropriate place for public parking is at the Palm and Nees location.

The Del Mar and Riverview Drive option of Alternative #1 presents too much traffic congestion, public safety concerns, and community and legal opposition. Yet Alternative #5 presents a number of options, B and E or some variation thereof, and it seems to provide the most logical opportunity with the least resistance. Understanding this I therefore make the following offer for your consideration.

I am willing to gift the eleven acre parcel (APN #402-030-63S) of land at the base of the river from Palm and Nees. This land is owned by the Spano Family and would be transferred to an entity for the purpose of providing some vehicular parking with direct access to the trail system. I have been in contact with a number of interested organizations that may wish to take possession of the land for this very purpose. These discussions are ongoing and I am optimistic they will provide the opportunity for a version of Alternative #5 to be acted upon by the Conservancy as it completes its planning process.

I wish to convey to the Conservancy Board my seriousness of purpose and desire for this key component of the trail system to be completed. Given that negotiations and processes will take additional time, my recommendation would be to include this property as part of the project and to develop a parking plan with the Spano family, part owner also of parcel #402-030-70 on the designated property as part of the project's second phase.

Sincerely,

Stan Spano

7545 N. Del Mar #206 • Fresno, California 93711 • Phone (559) 435-5100 • Fax (559) 435-7547

San Joaquin River Parkway Master Plan Update: San Joaquin River Access Coalition's Comments on Draft EIR (State Clearinghouse No. 2013061035)

EXHIBIT "2"

WANGER JONES HELSLEY PC
ATTORNEYS

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH
PETER M. JONES**
JENA M. HARLOS***
MICAELA L. NEAL
ERIN T. HUNTINGTON
STEVEN K. VOTE
JENNIFER F. DELAROSA
LAWRENCE J.H. LIU

* Also admitted in Washington
** Of Counsel
*** Also admitted in Wisconsin

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800

FAX
(559) 233-9330

WJH

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
jkinsey@wjhattorneys.com

Website:
www.wjhattorneys.com

April 28, 2017

VIA E-MAIL & U.S. MAIL

Melinda Marks
Executive Officer
SAN JOAQUIN RIVER CONSERVANCY
5469 E. Olive Avenue
Fresno, CA 93727

Re: San Joaquin River Conservancy
River West Fresno, Eaton Trail Extension
May 3, 2017, Agenda Items Nos. G-1, G-2

Dear Ms. Marks:

As you are aware, my law firm represents the San Joaquin River Access Coalition (the "Coalition") in connection with the San Joaquin River Conservancy's (the "Conservancy") consideration of the River West Fresno, Eaton Trail Extension Project (the "Project").

I have reviewed the agenda for the Conservancy's May 3, 2017, meeting. I am pleased to see the Conservancy is considering accepting the City of Fresno's offer to analyze Option 5b, with the notion of incorporating analysis of Option 5b into the environmental document. As you are also aware, numerous members of the public, as well as interested agency stakeholders such as the City of Fresno, have stated a strong preference for Option 5b. Because recent events have demonstrated Option 5b appears to be the most logical path forward that would not slow down Project approval, the Coalition strongly supports incorporating Option 5b into the environmental analysis.

Despite the fact that Option 5b presents a feasible alternative that has the support of the public, the Conservancy's sister agencies, and the underlying landowner, the Coalition has learned that the Parkway Trust submitted correspondence dated April 21, 2017, seeking to persuade the Conservancy to avoid analysis of Option 5b. (Attachment "A.") This is unfortunate, as Option 5b represents a solution that has received the full-throated support of most

other stakeholder groups and affected agencies, and presents the most expeditious path forward to achieve the objectives of both the Conservancy and the public.

More fundamentally, the arguments posed in the April 21, 2017, correspondence are legally and factually erroneous, and do not constitute an adequate basis to avoid analysis of Option 5b:

- **Option 5b is Feasible, and Should Be Considered**. The April 21, 2017, letter concedes Option 5b is "technically feasible." This is important because CEQA requires that the lead agency analyze ***feasible*** alternatives that would to ***reduce*** the project's ***significant impacts***. (See, e.g., Pub. Resources Code, § 21002; CEQA Guidelines, § 15126.6.) Assuming additional parking is necessary to avoid a significant environmental effect,[1] the Draft EIR as it stands does not identify any alternatives that meet this criteria. Alternative 1, for example, creates several new significant environmental effects (including traffic and land use). Alternative 5 is likewise problematic because the affected landowner has asserted he holds an easement that would require access at Riverview Drive, which is contrary to the City of Fresno's 2035 General Plan (and thus – if the landowner is correct[2] – would result in the same impacts as Alternative 1).[3] In other words, if additional parking is required to avoid an environmental impact, the Conservancy ***must*** analyze Option 5b to discharge its obligation under CEQA to analyze feasible alternatives that would reduce or avoid the potentially significant impacts of the Project.

- **Economic Feasibility**. The April 21, 2017, letter places significant focus on the economic feasibility of Option 5b because it is located upon an "inert landfill." While using a site with inert waste may result in additional costs to the Conservancy, it is unclear how this is a significant issue. The site will be used for parking, not residential uses. Moreover, the term "inert waste" does ***not*** include issues of concern such as hazardous wastes, soluble pollutants, or significant quantities of decomposable waste. (See, e.g., 27 Cal. Code Regs., § 20230(a).) Rather, "inert waste" typically includes only materials used in fill and basic construction operations, such as rock, dirt, sand, and crushed concrete. In other words, there is no showing – nor can there be – that Option 5b should be excluded simply because it contemplates the use of some properties that are located upon an "inert landfill," particularly given California's exceedingly high standard for using "economic infeasibility" as an excuse to avoid analysis of a project alternative. (*Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884; *Kings County Farm Bureau v. City of Hayward* (1990) 221 Cal.App.3d 692, 737.)

---

[1] For the reasons identified in its prior correspondence, the Coalition disagrees with the assertion that additional parking is necessary to lessen or avoid a potentially significant environmental effect.

[2] The Coalition disagrees with the assertion that the conditions stated in the easement are valid.

[3] Likewise, the Project, and Alternatives 2-4 do not provide additional parking.

- **BCF Found Option 5b Is Feasible**. The April 21, 2017, letter suggests Option 5b is supposedly not supported by the Conservancy's environmental consultants or the engineering firm that evaluated the route for the City of Fresno in 2015 (the "BCF Study"). These statements are factually and legally erroneous:

    - In the BCF Study, Option 5b is identified as Site 1, Route 2. Although the BCF Study identified a combination of Sites 2 and 3 as a preferred location, the BCF Study did ***not*** reject Site 1, Route 2 (Option 5b).[4] Moreover, the conclusions in the BCF Study appear to have been driven largely by cost, as the BCF Study concluded a combination of Sites 2 and 3 would be approximately $2.1 million, while the BCF Study found the cost of Site 1, Route 2, would be greater (although not significantly greater). In other words, ***the BCF Study found that Option 5b (i.e., Site 1, Route 2) is technically feasible, and a viable alternative***.

    - Although the Parkway Trust's letter suggests the environmental consultant rejected Option 5b, there was no legal or factual basis to do so. In addition to the fact that Option 5b presents a feasible alternative that would avoid the Project's impacts, the assertions of infeasibility are (i) not supported by substantial evidence, and (ii) contrary to the facts. Specifically, contrary to the assertions on Page 5-60 of the Draft EIR:

        - The City of Fresno has found (and the Parkway Trust now concedes) that Option 5b is technically feasible.

        - The concern that "[t]he private landowner's plans for future development may pose constraints" has been resolved, as the landowner has now stated he supports access at this location.

        - The assertion on Page 5-60 of the DEIR that "[e]nvironmental contaminants of concern are present at sites associated with" Route 5b is belied by Appendix F, as there is nothing in the AECOM Hazardous Substances Report to suggest that the hazardous substances issues associated with Option 5b are materially different from Alternative 5, or evidence that such issues would render Option 5b financially infeasible. (See *Center for Biological Diversity*, *supra*, 185 Cal.App.4th at 884; *Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at 737.)

[4] The only variation the BCF Study suggested that the City avoid is Site 1, Route 1, which is significantly different from Option 5b.

- Any concern that the "route would conflict with grading standards" of the City of Fresno can easily be resolved by the City of Fresno itself, which supports Option 5b and which has now offered to analyze that option as a project alternative.

- Moreover, the BCF Study was prepared without the benefit of recent facts that have now come to light, including the support of the underlying landowner to Option 5b, and the opposition of the other underlying landowner to Alternative 5 (and the fact that the easement conditions posited by that landowner would render Alternative 5 infeasible and unlawful to the extent it requires access at Riverview Drive, as explained above).

- **Regardless of Ownership, Access Through Riverview Is Contrary to State Law**. As the Conservancy is aware, access through Riverview Drive is contrary to the City of Fresno's 2035 General Plan. Despite this, the April 21, 2017, letter suggests the City's 2035 General Plan is irrelevant because the State allegedly owns portions of Riverview Drive. This conclusion is entirely inaccurate.

  - As previously explained, potential access at Riverview Drive (regardless of ownership of the underlying land) is a significant environmental impact as to land use that is not addressed in the Draft EIR, requiring modification and recirculation if the Conservancy entertains Alternative 1 (or any other alternative that would contemplate access at Riverview Drive).

  - In addition, as a "local agency" under Section 53090(a) of the Government Code, the Conservancy must abide by the local planning decisions of relevant local land use authorities, such as the City of Fresno. (Govt. Code., § 53091.) In other words, the Conservancy cannot ignore the 2035 General Plan without violating state law.

  - Moreover, the DEIR specifically identifies the City of Fresno as a "responsible agency" that may be required to use the EIR for permits and other discretionary actions required to implement the Project. The City, however, cannot act in a manner that is contrary to its own 2035 General Plan, rendering Alternative 1 infeasible (because subsequent approvals legally cannot be effectuated by the City acting as a responsible agency). Subsequent actions by the City "***must*** be compatible with the objectives and policies of the general plan." (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 [emphasis added] [citing *Families Unafraid to Uphold Rural etc. County v. Board of Supers.* (1998) 62 Cal.App.4th 1332, 1336].) "A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear." (*Endangered Habitats*, *supra*, 131 Cal.App.4th at 782 [citing *Families Unafraid*, *supra*, 62 Cal.App.4th at 1341-

42].) Because the policy at issue here is specific, mandatory, fundamental, and clear, and Alternative 1 (or any other alternative that would contemplate access at Riverview Drive) would be inconsistent with the 2035 General Plan, State ownership of portions of Riverview Drive is simply irrelevant.

For each of the foregoing reasons, the Conservancy should reject the assertions raised by the Parkway Trust in its April 21, 2017, correspondence, and accept the City's offer to augment the environmental analysis to include Option 5b.

Very truly yours,

John P. Kinsey

Enclosure: May 2015, Palm Bluffs River Access Feasibility Study Report

San Joaquin River
Parkway and
Conservation Trust, Inc.

April 21, 2017

The Honorable Andreas Borgeas
Fresno County Board of Supervisors
2281 Tulare Street #301, Hall of Records
Fresno, CA 93721-2198
*Sent by electronic mail

Re: Route 5b evaluated for feasibility in the River West Fresno Draft EIR

Dear Supervisor Borgeas:

Over the past few weeks there have been numerous informal conversations between homeowners in the bluff neighborhood, members of the San Joaquin River Conservancy Board, members of the River Parkway Trust Board of Directors, myself, and other staff members regarding the feasibility (or lack thereof), of the River West Fresno access route 5b. Since it is likely that discussions about this theoretical access point are likely to continue in the future, I am writing to clarify the understanding and position of the River Parkway Trust regarding route 5b.

Although it is true that a roadway across a landfill and down a steep bluff face is technically feasible, there are several challenges inherent in such a project that haven't been addressed by the proponents of this route.

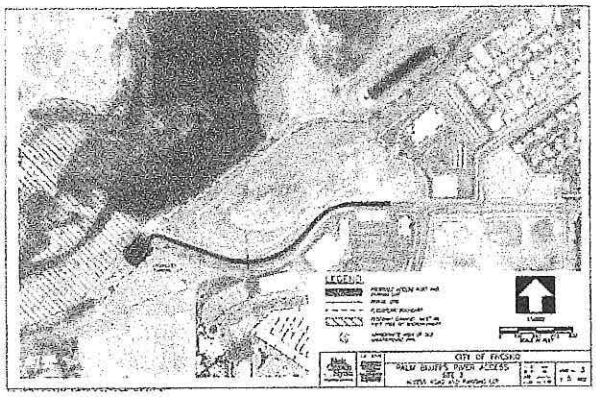
The most significant issue that makes this route infeasible is the lack of a public or private entity willing to take on landfill liability in order to implement this project. The route begins and ends on landfill property. As you are aware, the San Joaquin River Conservancy has formally rejected the offer of the 11-acre inert landfill site in the river bottom on at least two occasions. In a recent meeting with Councilmember Steve Brandau, he confirmed that the City was not willing to take on landfill ownership in order to implement this theoretical route.

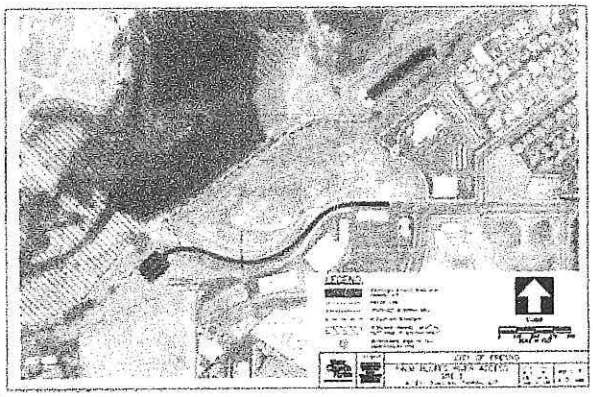
Second, the route is not supported by the professionals that drafted the EIR, or the engineering firm that evaluated the route for the City of Fresno in 2015.

This week I received a copy of the study conducted by Blair, Church and Flynn under contract to the City of Fresno. I was somewhat surprised to read the conclusion of this document, which states,

> "A combination of Site 2 and Site 3 would be the preferred location since it would be the most economical, have the smallest impact on existing waste, and it has a low probability of delayed by overseeing agencies."

I have pasted in graphics of sites 2 and 3 below to illustrate the referenced route.





The naming conventions of the City's study are different than the EIR, but to be clear, the City's study recommends the same route as that recommended by the Conservancy's Draft Environmental Impact Report. I have enclosed a copy of the City's study for your review.

I hope that after reviewing the information in the DEIR and the attached study by Blair, Church & Flynn, we can move discussions away from theoretically possible but practically infeasible access routes for the River West Fresno project, and focus on the existing and obvious access routes.

The River Parkway Trust continues to support the approval of the DEIR with all three potential access points – the proposed project with access for Madera County on Highway 41, Alternative 1 access on Riverview Drive, and Alternative 5 access on the old gravel haul road extension of Nees Avenue.

By approving all three access points, the Conservancy will provide equitable access to the site for all San Joaquin Valley residents, spread traffic impacts among multiple access points rather than concentrating impacts in one area, and uphold existing agreements with private landowners in the area.
The City of Fresno General Plan, often quoted as incompatible with Alternative 1, actually recognizes the legal right of California citizens to drive on public roads such as Riverview Drive. The 2035 General Plan includes the following clarification on this point:

"Limitations on vehicular access through the River View Drive Area/Neighborhoods are not intended to restrict vehicular access to the neighborhoods themselves. Public right-of-way held by the City for public

street purposes will remain accessible to the public consistent with the requirements of the California Vehicle Code." (5-36, Fresno General Plan)

There seems to have been some confusion about where the State's ownership interest on Riverview Drive actually begins. The City of Fresno 2035 General Plan Final MEIR includes the following statement in the response to comments:

"The westernmost extension of West Riverview Drive terminates at the intersection with West Bluff Avenue. At this terminus, a private driveway (easement) provides access to two residences..."

In fact, West Riverview Drive terminates at the entrance to the Fresno River West property, formerly known as Spano River Ranch. The property is owned in fee by the State of California. During the sale of the property to the State of California, the Spano Family retained a 20-acre parcel for two homesites. The family has an easement to access their property that crosses the land now owned by the State of California, not the other way around. West Riverview Drive is therefore a public road to public property. I have attached the relevant comment letters and responses for your review.

Thank you for your efforts to maintain open dialogue regarding the Fresno River West project. I look forward to the day that we can celebrate the opening of a beautiful new recreational amenity on the Parkway, providing equitable access to all San Joaquin Valley residents.

Please contact me at any time at (559) 248-8480 extension 105, or sweaver@riverparkway.org.

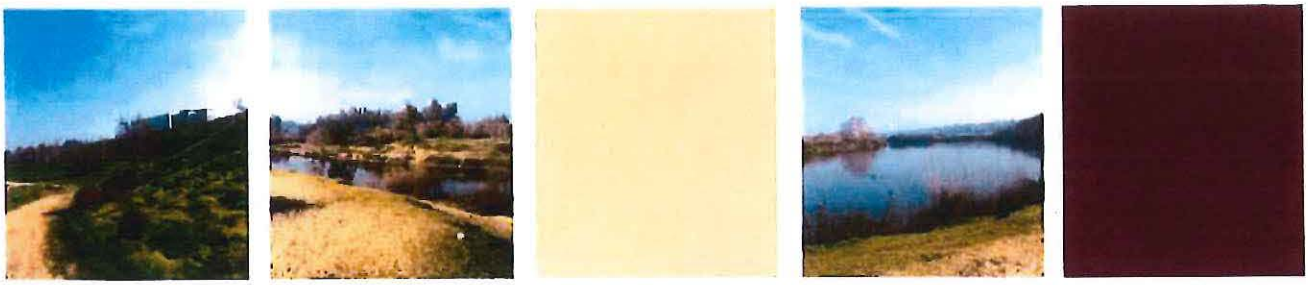
Sincerely,

Sharon Weaver
Executive Director

Attachments

COMMENT LETTER # B03
EXHIBIT 2, ATTACHMENT B

City of
FRESNO



Palm Bluffs River Access Feasibility Study Report

City of Fresno, California
Department of Public Works

May 2015

Blair, Church & Flynn
CONSULTING ENGINEERS

451 Clovis Ave., Suite 200
Clovis, California 93612
Tel (559) 326-1400
Fax (559) 326-1500
www.bcf-engr.com

Palm Bluffs River Access
Feasibility Study Report

May 2015

Prepared for:

City of FRESNO

City of Fresno, California
Department of Public Works

Prepared by:

Blair, Church & Flynn
CONSULTING ENGINEERS

451 Clovis Ave., Suite 200
Clovis, California 93612
Tel (559) 326-1400
Fax (559) 326-1500
www.bcfengr.com

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF APPENDICES

CHAPTER 1
INTRODUCTION

1.1 Project Background

The City plans to design and construct a 2 lane road with shoulders from the existing North Palm Avenue cul-de-sac, near the top of the riverside bluff, to a parking lot area near the river and below the riverside bluff. A study was conducted to develop and evaluate alternative access configurations, and to formulate recommendations as to the preferred alternative.

The planning firm PlaceWorks (formerly The Planning Center) is currently preparing the San Joaquin River Parkway Master Plan Update for the San Joaquin River Conservancy (SJRC). Access facilities at the Palm Bluffs location are included as an element of the current working draft of the master plan update. It is the San Joaquin River Conservancy's preference that access facilities near the river be located outside the limits of the 100 year floodplain.

Much of the land that has now been developed as Palm Bluffs, Park Place, and River Bluff contained buried landfill materials that remain in place to a considerable extent. Special compactive efforts were employed as part of site development, and some new buildings in the area reportedly contain gas detection facilities to monitor for the presence of landfill gasses. The land within the project study area, which may be traversed by the planned access facilities, contains similar landfill materials.

A significant part of the area that could be affected by the access facilities is owned by the Spano family. Much of the undeveloped area west of the North Palm Avenue cul-de-sac and between the river and the Park Place development is referred to colloquially as "The Spano Landfill".

The location of the Project Pipelines is shown on the map in Figure 1.1 and is identified as "Project Location."

1.2 Purpose

The purpose of this report is to document gathered information from the site investigation and survey, present design alternatives, and to provide recommendations for review.

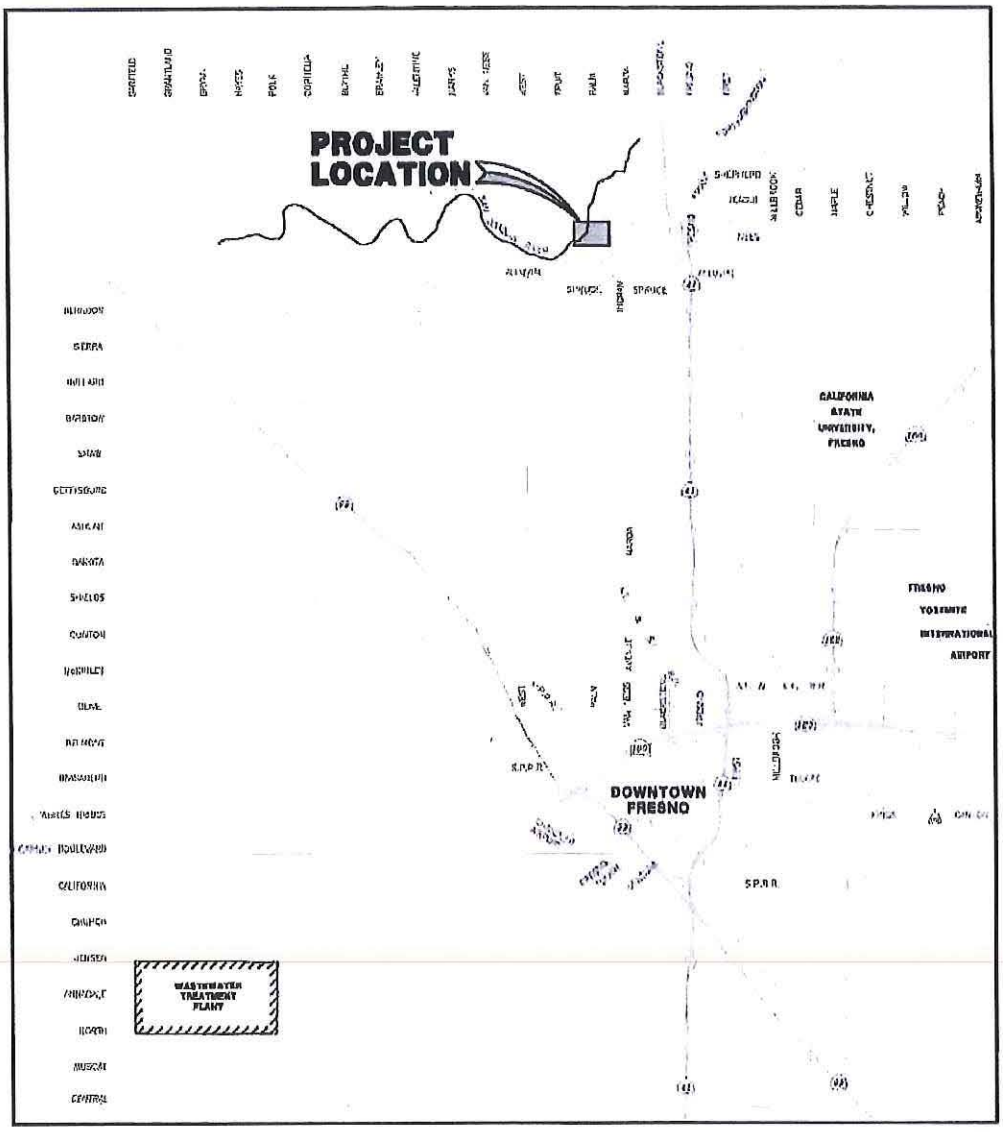


Figure 1.1 Location Map

CHAPTER 2
EXISTING UTILITIES AND SITE SURVEY

2.1 Existing Utilities

Letters were sent out to various utility owners and agencies on 5 January 2015 to determine all existing utilities within the project limits. A summary of the utility responses received from the utility owners and agencies as of the date of this report is shown in Table 2.1.

Table 2.1 Existing Utility Information

Utility Owner	Response Received?	Utilities in Area?
AC Square (Comcast)	N	—
AT&T California	Y	Y
AT&T Inquiries	Y	N
CVIN	Y	N
City of Fresno	N	—
Fresno Irrigation District	Y	N
FMFCD	Y	Y
Kinder Morgan	Y	N
Level 3 Communications	N	—
MCI Network Services	Y	N
PG&E	Y	Y
Qwest Communications	N	—
Sprint	Y	N
Time Warner Telecom	N	—

2.1.1 AT&T Utility

AT&T was contacted regarding their services going through the Spano Landfill. According to AT&T, a copper wire was installed for a new sports complex near the landfill site in the 1960s. The sports complex plan was eliminated and it is unclear whether the copper line still exists today. The AT&T line on the Site Plan, available in Appendix A, shows the possible location of the copper cable.

2.1.2 Overhead Electrical

On the southwest side of the project study area, overhead high voltage electrical lines are present. The electrical lines travel in a northwest direction over the site and all high voltage

tower structures are located outside the original project study area. The high voltage overhead electrical lines can be seen on the Site Map in Appendix A.

2.2 Ground Survey and Aerial Photography

Topographic field surveys were conducted using GPS equipment, in order to provide a level of detail adequate to define surface landforms in support of the study efforts. Field surveys are supplemented by aerial photographic coverage obtained from a 2008 aerial survey conducted by the City of Fresno.

2.3 Geotechnical Investigation

A geotechnical report was not included in the scope of work for this project. It will be necessary to conduct geotechnical investigations on site in order to define the subsurface conditions prior to final design.

CHAPTER 3
EXISTING CONDITIONS & DESIGN REQUIREMENTS

3.1 Fresno County Department of Public Health

During the initial record search, the Fresno County Department of Public Health (FCDPH) was contacted and was able to provide numerous reports and documentation regarding the closed Spano Landfill. A site walk was also performed with two representatives of the FCDPH to discuss the landfill limits and general history of the site. Private consultants were not contacted for the record review since their work is not publically available.

3.2 100 Year Flood Limits

The 100 year flood limits were obtained using digital Flood Insurance Rate Maps (FIRMs) for Fresno and Madera Counties which are available through the Federal Emergency Management Agency (FEMA). Anything within the 100 year flood zone is susceptible to inundation by a rain event that has a 1% probability of occurring each year. The base flood elevation changes within the project boundary from an elevation of approximately 265.5' to 265.8' from west to east respectively using the NGVD 29 datum. Base flood elevations shown in the FIRMs were changed from the NAVD 88 datum to the NGVD 29 datum because it is primarily used by the City of Fresno. All FIRMs associated with the project are available in Appendix B of this report.

3.3 Parcel Lines

Parcel linework that is shown on the Site Map in Appendix A was obtained from City of Fresno GIS data. The land owner name and Assessor's Parcel Number (APN) for parcels within the project study limits are available in Table 3.1. A map showing the existing parcels is available in Appendix C of this report.

Table 3.1 APN & Owner

APN	Owner
402-030-63S	SOB ENTERPRISES
402-030-67S	SOB ENTERPRISES
405-340-18S	SOB ENTERPRISES
405-340-19S	SOB ENTERPRISES
405-340-17S	SOB ENTERPRISES
402-030-64S	SOB ENTERPRISES
402-030-43	SOB ENTERPRISES
402-030-70	NEW GENERATION GROUP L P
405-530-85	PARK PLACE HOLDINGS LP
402-030-52ST	FMFCD
402-030-47ST	CITY OF FRESNO

APN	Owner
405-340-04	C&A FARMS LLC "RICHTER SITE"

3.4 Emergency Vehicle Access

In order to provide emergency access to the site, the Fresno Fire Department Development Policies must be followed. According to Section 403.2, "Fire Department Access," the road must be an approved all weather surface, capable of supporting an 80,000 pound vehicle, have a grade of 10% (10H:1V) or less, and have 24 feet of unobstructed width. Lanes that are one way shall be 15 feet in width.

A cul-de-sac turnaround will be necessary for emergency vehicles within the parking lot. Requirements for a turnaround include a 44 foot centerline turning radius and a 20 feet clear driving width.

3.5 Limits of Waste and Site Description

A review of the landfill documents was conducted on all material acquired from the FCDPH. All landfill limit figures that were available were schematically drawn leaving the precise landfill limits unclear. With the combination of report figures and help from FCDPH personnel, the approximate limits of waste are defined on the site map located in Appendix A.

3.5.1 Main Landfill

The approximate landfill waste limits are identified by a blue dashed line on the Site Map available in Appendix A. According to available figures, the landfill terminates at the edge of the San Joaquin River. Content and depth of this waste are generally unknown within the areas of the proposed improvements.

The top of the landfill is flat with multiple mounds of soil that appear to have been deposited after the landfill closure. The landfill gradient from the top of slope to the toe of slope varies from approximately 18% (10H:1.8V) up to 69% (10H:6.9V) as shown in the Site Map located in Appendix A.

There are two roads along the existing landfill. The outermost road appears to coincide with the approximate landfill waste limits and varies in width. The north and south sections of the outermost road is estimated to be 10 feet and 21 feet wide, respectively. The innermost road varies from approximately 8 feet to 13 feet wide throughout the entire site. During the site investigation visit, 2 foot high ground cover vegetation was observed on the landfill.

A subsurface fire was observed in the main landfill in the mid 1990s and was estimated to be 20 feet by 20 feet in plan view. The approximate location can be seen on the Site Map in Appendix A. The fire is no longer believed to exist.

3.5.2 Construction and Demolition Waste

There are two locations located adjacent to the main landfill that is understood to be composed of construction and demolition (C&D) waste. They are located north and southwest of the main landfill with the limits identified on the Site Map by orange dashed lines.

According to the EPA website, C&D waste materials consist of the debris generated during the construction, renovation, and demolition of buildings, roads, and bridges that often contain

bulky, heavy materials, such as concrete, wood, metals, glass, and salvaged building components.

3.5.2.1 Northeast C&D Waste

The approximate northeast C&D waste site limits is surrounded by the San Joaquin River, an existing Fresno Metropolitan Flood Control stormwater basin, and the main landfill. The site is relatively flat with a few trees along the river boundary. During the site investigation visit, low ground cover vegetation existed across the site.

A site investigation was conducted at the northeast C&D waste site on April 4, 2002 by Twining Laboratories with a backhoe. The debris that they observed included concrete, asphalt, brick, rebar, and other similar type of materials just below the ground surface. The report noted that no domestic waste was encountered. The waste was estimated to contain 60 percent soil and 40 percent debris. Groundwater was encountered at approximately 15 feet below ground surface.

3.5.2.2 Southwest C&D Waste

The approximate southwest C&D waste site limits is surrounded by the San Joaquin River, the main landfill, and a parcel known as the "Richter Site". The Richter Site is relatively flat and the northern limits generally coincide with the bluff edge. The C&D site is the bluff face and slopes down at approximately 28% (10H:2.8V) before transitioning to a milder slope down towards the river's edge. During the site investigation visit, 2 foot high ground cover vegetation existed across the site with a few trees at the bottom of the bluff face.

A subsurface fire was observed in the southwest C&D waste site in the mid 1990s. The approximate location can be seen on the Site Map in Appendix A. The fire is no longer believed to exist.

A site investigation was conducted at the southwest C&D waste site on April 4, 2002 by Twining Laboratories with a backhoe. Areas of this waste site were inaccessible according to the survey report. Material retrieved from six excavation pits was estimated to contain 60 percent soil and 40 percent debris. The survey concluded that the site was comprised of 5 to 6 feet of C&D waste and is underlain by domestic waste. Materials observed in the C&D waste included concrete, asphalt, brick, and other similar materials. The depth of the domestic waste was not determined by the survey.

CHAPTER 4
ENVIRONMENTAL AND PERMITS

4.1 General

The following permits and environmental documentation should be considered for the various project alternatives. Contingent upon subsurface conditions demonstrating no contaminants of concern, it is feasible that the projects can be completed with a CEQA Initial Study and Mitigated Negative Declaration.

4.2 Initial Study

In order to satisfy the California Environmental Quality Act (CEQA) review process, an Initial Study must be completed for this project. If tests are conducted and no contamination is found on site, and no other significant environmental impacts are discovered, then the project may be eligible for filing as a Mitigated Negative Declaration. If, however, the Initial Study demonstrates significant environmental impacts that cannot be avoided or mitigated, then a complete EIR may be necessary for the project.

The CEQA was enacted for the purpose of providing decision-makers and the public with information regarding the environmental effect of proposed projects, identifying means of avoiding environmental damage and disclosing the reasons behind a project's approval even if it leads to environmental damage. As the first step in the CEQA process, an Initial Study is necessary to identify significant environmental impacts and to avoid or mitigate those impacts where feasible. The project site is located in an area characterized in part or in whole as a landfill with the potential for methane discharge as the landfill organics decompose. Based upon the careful review of the issues, the discussions on land use, and the known environmental issues in the surrounding area, the project will need to address the issues discussed in the following subsections.

4.2.1 Land Use

Land use review is necessary to ensure consistency with the City of Fresno General Plan.

4.2.2 Traffic

Traffic impacts to the City of Fresno and at the proposed access points should be analyzed to determine all potential changes in traffic.

4.2.3 Air Quality/ Greenhouse Gas

An air quality and greenhouse gas (GHG) emissions technical analysis is necessary to evaluate potential impacts associated with the proposed project in accordance with the San Joaquin Valley Air Pollution Control District. Construction Air Quality and GHG usage calculations should be conducted as well.

4.2.4 Biological Resources

Biological resources documentation review and surveys are necessary to describe the natural communities and biotic habitats, determine the potential for the site to support special status

plant or wildlife species, and determine the presence or absence of regulated trees, special-status plant communities, or jurisdictional waters on the site. Biological resources should be prepared with existing General Plan data, as well as localized studies for potential migratory birds and threatened or endangered species.

4.2.5 Cultural Resources

A cultural resources records search and surveys are necessary to determine whether known cultural resources had been recorded within or adjacent to the landfill project area, assess likelihood of unrecorded cultural resources based on historical references and the distribution of environmental settings of nearby sites, and develop a context for identification and preliminary evaluation of cultural resources.

4.2.6 Geology, Soils and Seismicity

A significant factor influencing project design and construction is the potential for long-term settlement of existing landfill materials and development of landfill gases. A geotechnical investigation will be necessary to explore and evaluate the subsurface conditions on site in order to develop geotechnical engineering recommendations to aid in project design and construction.

4.2.7 Hazardous Materials and Waste

Due to the location, a Phase II environmental evaluation may need to be conducted to satisfy CEQA requirements and determine if hazardous waste is present. This investigation consists of onsite discovery involving geotechnical surface and subsurface soils sampling and testing.

4.2.8 Hydrology and Water Quality

Due to the location of the project site, the hydrology and water quality may produce other environmental impacts that may need to be mitigated. The hydrology and water quality is necessary to analyze the project size and issues relating to surface water, site drainage, potential for Stormwater Pollution Prevention Plan development, site lay down and spill prevention, containment and countermeasures.

4.3 §1600 Lake or Streambed Alteration Agreement (LSAA)

According the California Department of Fish and Wildlife (DFW), an entity must notify the agency prior to work that may substantially divert or obstruct the natural flow of any river, substantially change or use any material from any river, deposit materials that could pass into any river, or adversely affect existing fish or wildlife resources. The DFW will review projects and recommend ways to reduce impacts to the fish and/or wildlife habitat.

It takes thirty days of project review to determine if a LSAA is required. After the initial thirty days, the DFW can take up to sixty additional days to issue a LSAA if one is necessary. LSAA fees vary from $245 to $4,912 based upon the total project cost.

4.4 Army Corps Wetland Delineation Survey

Section 404 of the Clean Water Act gives the Army Corps of Engineers jurisdiction over projects that impact wetlands. A wetland is defined in CFR 328.3 as areas that are inundated or

saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

If a site or access road is found to be within wetlands, building within the wetlands may result in mitigation at a to-be-determined ratio through buying mitigation bank credits, building wetland habitat, or restoring wetland habitat at another destination.

A wetland delineation study should be conducted to determine if the proposed alternatives are within wetland areas. Typical surveys investigate the site for hydric soils, hydrophytic vegetation, and examine the site hydrology.

4.5 Army Corps §404 Nationwide Permit

The Army Corps of Engineers issues Nationwide Permits for construction activities where minimal environmental effects are planned in the waters of the United States. A permit is necessary for all areas under the high water mark of a river. A survey of the high water mark should be conducted to determine if a Nationwide Permit is necessary.

The review period for a Nationwide permit is sixty days and there are no fees due with the application. One of the Nationwide Permit requirements is the completion of the Clean Water Act 401 permit discussed in the following subsection. The permit is issued conditionally until the 401 permit is acquired.

4.6 Clean Water Act §401 Permit

The purpose of the 401 permit is to protect water quality, wetlands, and aquatic resources. According to CWA §401, any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates.

The permit takes two weeks to be reviewed but cannot be submitted until CEQA is completed. The price of the permit varies based upon the California Code of Regulations, Title 23, section 2200(a)(3). A fee calculator is available on the State of California website called the "Dredge and Fill Fee Calculator."

4.7 Central Valley Flood Protection Board Encroachment Permit

An encroachment permit application is required to be submitted to the Central Valley Flood Protection Board if a project is located within 300 feet of a designated floodway. The review time for the encroachment permit application is three to six months but does not require an application fee.

4.8 City of Fresno Permit to Build within a Floodplain

The City of Fresno Flood Plain Administrator must review the site plans and ensure that it complies with all City ordinances.

According to City of Fresno ordinance 11-616(g), the Flood Plain Administrator must determine that the following requirement is met for construction below the base flood elevation:

"The volume of space occupied by the proposed fill or structure below the base flood elevation is compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse."

This ordinance prohibits a net increase of soil in any location below the base flood elevation by means of importing fill. It is possible to alter the base flood elevation limits by transferring soil below the base flood elevation and submitting a Letter of Map Revision to FEMA once the ground is proven to be above flood levels. The City of Fresno also requires the finished floor of structures to be six inches above the base flood elevation.

Permit review takes approximately two weeks to conduct and will vary in cost based upon the volume of soil that is transferred. The fee schedule varies from $464 to $860.

4.9 FEMA Letter of Map Revision (LOMR)

Floodplain maps that are produced by FEMA are used to establish flood plain limits within the City of Fresno. The floodplain lines can be altered if an area is elevated above the base flood elevation. Revisions to the FIRMs are recorded after a LOMR is submitted.

According to the FIRMs, some areas within the "AE" floodway zone must be kept free from encroachment. These areas are designated as the floodway channel of the river and must not be altered because it may increase the height of the base flood elevation. The floodway channel is identified on the Site Map available in Appendix A.

A LOMR can take three to four months to process and does not have an application fee.

4.10 Phase I Assessment

Phase I assessments are conducted to gather information about an area to determine the potential for site contaminants. Phase I site investigations are typically conducted in areas to determine if there is a potential for site contamination. The Evaluations can include a site visit, historical record searches, review of past property uses, interviews with individuals knowledgeable about the site, geology assessment, and hydrology evaluation. It is unlikely that a Phase I investigation will be required within the waste limits of the site since subsurface investigations have already been conducted.

4.11 Phase II Assessment

The central purpose of a Phase II investigation is to evaluate the site for the presence of materials such as hazardous waste, petroleum hydrocarbons, heavy metals, pesticides, or solvents in the subsurface and determine the extents of the contamination. Samples are typically taken from the soil, air, groundwater, and buried material for analysis. Site remediation is not conducted during a Phase II assessment. It is possible that the FCDPH will require a Phase II assessment on site within the waste limits.

4.12 Phase III Remediation

Following a Phase II assessment, cleanup of a site can be accomplished through Phase III remediation if materials of concern are discovered within the waste limits. Remediation measures are formed based upon the findings of the Phase II assessment however additional

subsurface investigations may be necessary to obtain a better understanding of the site. The cost for conducting a Phase III remediation can be extensive and can take a considerable amount of time.

4.13 Post Closure Landfill Plan (PCLP)

The Fresno County Department of Public Health (FCDPH) is the permitting agency for the Spano Landfill. Prior to site construction, a Post Closure Landfill Plan must be completed and submitted to the FCDPH, the Regional Water Quality Control Board, and the California Department of Resources Recycling and Recovery for evaluation and approval. The PLCP identifies conditions that must be met, within the limits of waste, to ensure the protection of human health and the environment.

CHAPTER 5
SITE ANALYSIS

5.1 General

The City of Fresno is interested in providing river access, near the Spano Landfill, that provides 24 parking stalls, a public restroom, and site lighting. The restroom will most likely be a pit sanitary facility and will require a water service for hand washing. The water line can be installed within the proposed access road and must have a 3 foot clearance from all landfill waste according to FCDPH. Electrical lines must also be installed to the site unless a solar option is preferred.

Subsequent to the site investigation, four potential locations were selected for evaluation in order to provide convenient public access to the river from the intersection of Palm and Nees Avenues. The layout of the proposed parking lots and access roads are available in Appendix D of this report.

5.2 Site 1

This proposed area is located on the northeast side of the project study area and is believed to consist of C&D waste. There are two available options for access roads to navigate to this site. The first route, designated as Route 1, is believed to be within the waste limits of the main landfill and the second, designated as Route 2, diverts around an existing flood basin.

5.2.1 Flood Zone

The proposed parking lot area is within the 100 year flood zone which conflicts with the design preferences of the SJRC. It is possible to grade the site and raise the area above the base flood elevation but that may prove difficult due to the City of Fresno ordinance which prohibits the net increase of soil within a flood zone. Grading the site will increase the potential of uncovering a larger area of waste and will increase the risk of substantial waste removal.

5.2.2 Site Access Around Existing Landfill (Route 1)

Access to the proposed site is currently achieved by two roads which are referred to as the outermost and innermost roads. In order to provide access to emergency vehicles, the Fresno Fire Department Development Policies must be followed. Both roads can be used for one way traffic to comply with the roadway width requirement of 15 feet.

The outermost road generally follows the approximate waste limits of the main landfill. The roadway narrows to approximately 10 feet in the segment adjacent to the San Joaquin River and is partially within the 100 year flood zone.

The innermost road is generally located halfway up the landfill slope. The roadway width varies between 8 to 13 feet wide and is only within the 100 year flood zone near the end at the termination point. A fire was discovered near the innermost road in the mid 1990s, as shown on the site map in Appendix A. Although the fire is believed to be extinguished, evidence of the subsurface fire should be discovered during the geotechnical investigation.

Both roads will require additional width to accommodate a guard rail and meet emergency vehicle requirements. The existing slopes adjacent to the roadway shoulders vary from approximately 18% (10H:1.8V) up to 69% (10H:6.9V). Slope stability will need to be evaluated

to allow the necessary roadway widening. The substantial slopes adjacent to the existing roadways may not permit considerable roadway expansion in its current configuration and may involve the use of retaining walls. A subsurface investigation of the main landfill will be necessary in the existing roads and require recommendations by a geotechnical engineer.

5.2.3 Site Access Neighboring Spano Park (Route 2)

The existing bluff slope on the north side of Spano Park was analyzed as a possible route to Site 1. The parcel that occupies the slope is owned by the City of Fresno and is bordered by the Spano Landfill, Spano Park, FMFCD Basin DH2, and a FMFCD baffled apron structure. When the park was constructed, the bluff adjacent to the park was clean closed. A clean closed site has all landfill material removed and is replaced with clean fill.

The existing bluff slope has a grade of approximately 54% (10H:5.4V) and the toe terminates at the 100 year flood zone limit. In order to build a road that complies with the Fresno Fire Department Development Policies, outside fill will need to be brought in to expand the existing bluff slope and substantial retaining walls will need to be constructed. Since the City of Fresno Ordinance requires no net increase of fill within a flood zone, the area will need to be graded and a letter of map revision must be filed with FEMA to alter the 100 year flood limits lines.

Cursory road design calculations were conducted and it appears that a 10% (10H:1V) maximum slope, as required by the Fresno Fire Department Development Policies, can be achieved. After the roadway traverses across the bluff slope, it can cross the baffled apron structure through an existing City of Fresno ingress-egress easement. The access road will navigate around the existing flood control basin to Site 1 or an alternate location nearby.

5.2.4 Compliance

Due to the site's proximity to the San Joaquin River, Site 1 will need to be evaluated for wetlands with a wetland delineation study. Site 1 will need California Department of Fish and Wildlife consultation and ultimately will require a §1600 Lake and Streambed Alteration Agreement. Additionally, the site will require Army Corps of Engineers §404 Nationwide permit consultation as well as Clean Water Act §401 approval. An encroachment permit application must also be filed with the Central Valley Flood Protection Board. Permits to develop the site will require review by the City of Fresno to ensure the site complies with all City ordinances. The site must be graded up above the base flood elevation and have a Letter of Map Revision filed with FEMA.

Site 1 access roads are within the footprint of the landfill and therefore will require further environmental investigations along with a post closure landfill plan. There is a potential for a Phase III remediation within the limits of the project.

5.3 Site 2

This proposed area is located on the southwest side of the project study area and is believed to consist of C&D waste underlain by domestic waste. The access road to navigate to this site is believed to coincide with the waste limits of the main landfill.

5.3.1 Flood Zone

The proposed parking lot area is within the 100 year flood zone which conflicts with the design preferences of the SJRC. It is possible to grade the site and raise the area above the base flood

elevation but that may prove difficult due to the City of Fresno ordinance which prohibits the net increase of soil within a flood zone. Grading the site will increase the potential of uncovering larger areas of waste and will increase the risk of substantial waste removal. If the site is elevated above the base flood elevation, a Letter of Map Revision must be filed with FEMA to revise the FIRMs.

5.3.2 Site Access

Access to the site is currently available from the outermost road. The existing road will need to be evaluated for compliance with the Fresno Fire Department Development Policies and can be used for traffic access in both directions.

The existing road generally follows the approximate waste limits of the main landfill and is generally 21 feet wide. A small portion of the road is within the 100 year flood zone where the entrance of the proposed parking lot is being proposed.

A subsurface investigation of the existing road will be necessary and require recommendations by a geotechnical engineer in order to comply with jurisdictional requirements.

5.3.3 Compliance

Due to the site's proximity to the San Joaquin River, Site 2 will need to be evaluated for wetlands with a wetland delineation study. Site 2 requires California Department of Fish and Wildlife consultation and ultimately will require a §1600 Lake and Streambed Alteration Agreement. Additionally, the site may require Army Corps of Engineers §404 Nationwide permit consultation and will need Clean Water Act §401 approval. An encroachment permit application must also be filed with the Central Valley Flood Protection Board. Permits to develop the site will require review by the City of Fresno to ensure the site complies with all City ordinances. The site must be graded up above the base flood elevation and have a Letter of Map Revision filed with FEMA.

Site 2 is within the C&D waste limits underlain by domestic waste. The site will require a Phase II environmental investigation along with a post closure landfill plan. There is a potential for a Phase III remediation within the limits of the site.

5.4 Site 3

This proposed area is located on the southwest side of the project study area and is believed to consist of C&D waste underlain by domestic waste. The access road to navigate to this site is believed to coincide with waste limits of the main landfill.

A fire was discovered near the proposed parking lot area in the mid 1990s, as shown on the site map in Appendix A. Although the fire is believed to be extinguished, evidence of the subsurface fire should be discovered during the geotechnical investigation.

5.4.1 Flood Zone

The proposed parking lot area is outside the 100 year flood zone which complies with the preferred design objective of the SJRC.

5.4.2 Site Access

Access to the site is currently available from the outermost road. The existing road will need to be evaluated for compliance with the Fresno Fire Department Development Policies and can be used for traffic access in both directions.

The existing road generally follows the approximate waste limits of the main landfill and is generally 21 feet wide. A small portion of the road is within the 100 year flood zone but this area can be circumvented during design to avoid the floodway.

A subsurface investigation of the existing road will be necessary and require recommendations by a geotechnical engineer in order to comply with jurisdictional requirements.

5.4.3 Compliance

Due to the site's proximity to the San Joaquin River, Site 3 will need to consider a wetland delineation study. Site 3 requires California Department of Fish and Wildlife consultation and may require a §1600 Lake and Streambed Alteration Agreement. It is unlikely that the site will require Army Corps of Engineers §404 Nationwide permit consultation but will need Clean Water Act §401 approval. An encroachment permit application should be filed with the Central Valley Flood Protection Board although it is possible that the site is not within the floodway. Permits to develop the site will require review by the City of Fresno to ensure the site complies with all City ordinances. Since the site is above the base flood elevation, a Letter of Map Revision will not be necessary.

Site 3 is within the C&D waste limits underlain by domestic waste. The site will require a Phase II environmental investigation along with a post closure landfill plan. There is a potential for a Phase III remediation within the limits of the site.

5.5 Site 4 (Richter)

This proposed area is located on the property formerly known as the "Richter Site" outside of the original project study area. The limits of waste have been defined based upon numerous studies and the maximum waste depth is approximately 35 feet deep. Most of the waste is approximately 5 feet deep across the site according to FCDPH. Efforts have been made to develop the entire parcel with the development of a Post-Closure Land Use Plan which proposes a clean closure of the site. It will be necessary to conduct negotiations with the existing property owner if this site is selected for the proposed river access parking lot.

The bluff slope adjacent to the Richter Site is comprised of C&D waste underlain by domestic waste. Access to the river would require a pedestrian path down the existing bluff. Further studies will need to be conducted to determine the post closure requirements within this area.

5.5.1 Flood Zone

The proposed parking lot area is outside the 100 year flood zone which complies with the preferred design objective of the SJRC.

5.5.2 Site Access

The site is currently undeveloped and would require an access road of approximately 750 feet in length to be constructed from West Alluvial Avenue towards the edge of the bluff. From the

proposed parking lot area, pedestrian trail switchbacks will be required in order to provide access and meet ADA requirements.

Emergency vehicle access would be available from the parking lot at the top of the bluff. If an emergency occurred near the river, emergency teams would not have direct vehicle access to the water front.

5.5.3 Compliance

The Site 4 parking lot is located at the top of the bluff but the access trail down to the river may require a wetland delineation study. It is unlikely that Site 4 will require a §1600 Lake and Streambed Alteration Agreement but the California Department of Fish and Wildlife should be consulted. It is also unlikely that the site will require an Army Corps of Engineers §404 Nationwide permit but the site may require Clean Water Act §401 approval. An encroachment permit application should be filed with the Central Valley Flood Protection Board since the access road may be within the floodway. Permits to develop the site will require review by the City of Fresno to ensure the site complies with all City ordinances. Since the site is above the base flood elevation, a Letter of Map Revision will not be necessary.

The Site 4 access trail is within the C&D waste limits underlain by domestic waste. The site will require a Phase II environmental investigation along with a post closure landfill plan. There is a potential for a Phase III remediation within the limits of the site.

CHAPTER 6
ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

The Engineer's Opinions of Probable Construction Cost (OPCC) for construction of the access road and parking lot is shown in Table 6.1 through Table 6.5. The OPCCs assumes that hazardous material is not encountered during construction of the project and site remediation is not necessary. The OPCC also assumes that substantial excavation and waste removal is not necessary within the roadways to accommodate future site utilities.

Table 6.1 Engineer's Opinion of Probable Construction Cost for Site 1 (Route 1)

Item No.	Description	Quantity	Unit	Unit Cost	Extension
1	Mobilization	lump sum		$100,000	$100,000
2	Mediator	lump sum		$25,000	$25,000
3	Storm Water Pollution Prevention Plan (SWPPP) and Fugitive Dust Control Plan (FDCP) Preparation	lump sum		$5,000	$5,000
4	Storm Water Pollution Prevention	lump sum		$10,000	$10,000
5	Dust Control Pollution Prevention	lump sum		$8,000	$8,000
6	Worker Protection From Hazardous Materials	lump sum		$20,000	$20,000
7	Clearing and Grubbing	lump sum		$15,000	$15,000
8	Site Grading and Subgrade Prep	lump sum		$100,000	$100,000
9	Aggregate Base, Class 2	5,401	tons	$40	$216,040
10	Asphalt Concrete, Type A	520	tons	$100	$52,000
11	Concrete Curb and Gutter	630	ln ft	$20	$12,600
12	Parking Lot Concrete Sidewalk	4,740	sq ft	$5	$23,700
13	Retaining Wall	2,300	ln ft	$215	$494,500
14	Striping and Curb Painting	lump sum		$8,000	$8,000
15	Restroom Facility	lump sum		$50,000	$50,000
16	Water Line	3,300	ln ft	$25	$82,500
17	Light Pole	4	ea	$8,000	$32,000
18	Landscaping	lump sum		$15,000	$15,000
19	Landscaping Irrigation	lump sum		$10,000	$10,000
20	90-Day Maintenance Period (Landscaping and Irrigation)	lump sum		$5,000	$5,000
21	Contractor's Pollution Liability Insurance	lump sum		$10,000	$10,000
22	Supplemental Work	lump sum		$100,000	$100,000
23	Misc. Facilities and Operations	lump sum		$208,660	$208,660
				Subtotal Amount:	**$1,603,000**
				Contingencies (approx. 15%):	$240,000
				Total Construction Cost:	**$1,843,000**

Item No.	Description	Quantity	Unit	Unit Cost	Extension
1	Engineering & CM Costs		lump sum	$370,000	$370,000
2	Permits and Environmental Documentation		lump sum	$80,000	$80,000
3	Phase II Environmental Study		lump sum	$40,000	$40,000
4	Geotechnical Investigation		lump sum	$15,000	$15,000
				Total Design Cost:	**$505,000**
				TOTAL PROJECT COST:	**$2,348,000**

Table 6.2 Engineer's Opinion of Probable Construction Cost for Site 1 Route 2)

Item No.	Description	Quantity	Unit	Unit Cost	Extension
1	Mobilization	lump sum		$110,000	$110,000
2	Mediator	lump sum		$25,000	$25,000
3	Storm Water Pollution Prevention Plan (SWPPP) and Fugitive Dust Control Plan (FDCP) Preparation	lump sum		$5,000	$5,000
4	Storm Water Pollution Prevention	lump sum		$10,000	$10,000
5	Dust Control Pollution Prevention	lump sum		$8,000	$8,000
6	Worker Protection From Hazardous Materials	lump sum		$20,000	$20,000
7	Clearing and Grubbing	lump sum		$15,000	$15,000
8	Site Grading and Subgrade Prep	lump sum		$60,000	$60,000
9	Aggregate Base, Class 2	3,439	tons	$40	$137,560
10	Asphalt Concrete, Type A	520	tons	$100	$52,000
11	Concrete Curb and Gutter	630	ln ft	$20	$12,600
12	Parking Lot Concrete Sidewalk	4,740	sq ft	$5	$23,700
13	Compacted Slope Fill	21,000	cu yd	$30	$630,000
14	Slope Hydroseeding	5,000	sq yd	$3	$15,000
15	Retaining Wall	640	ln ft	$215	$137,600
16	Striping and Curb Painting	lump sum		$6,000	$6,000
17	Restroom Facility	lump sum		$50,000	$50,000
18	Water Line	2,200	ln ft	$25	$55,000
19	Light Pole	4	ea	$8,000	$32,000
20	Landscaping	lump sum		$15,000	$15,000
21	Landscaping Irrigation	lump sum		$10,000	$10,000
22	90-Day Maintenance Period (Landscaping and Irrigation)	lump sum		$5,000	$5,000
23	Contractor's Pollution Liability Insurance	lump sum		$10,000	$10,000
24	Supplemental Work	lump sum		$100,000	$100,000
25	Misc. Facilities and Operations	lump sum		$231,540	$231,540
				Subtotal Amount:	**$1,776,000**
				Contingencies (approx. 15%):	$266,000
				Total Construction Cost:	**$2,042,000**
1	Engineering & CM Costs	lump sum		$410,000	$410,000
2	Permits and Environmental Documentation	lump sum		$80,000	$80,000
3	Phase II Environmental Study	lump sum		$40,000	$40,000
4	Geotechnical Investigation	lump sum		$15,000	$15,000
				Total Design Cost:	**$545,000**
				TOTAL PROJECT COST:	**$2,587,000**

Table 6.3 Engineer's Opinion of Probable Construction Cost for Site 2

Item No.	Description	Quantity	Unit	Unit Cost	Extension
1	Mobilization	lump sum		$100,000	$100,000
2	Mediator	lump sum		$25,000	$25,000
3	Storm Water Pollution Prevention Plan (SWPPP) and Fugitive Dust Control Plan (FDCP) Preparation	lump sum		$5,000	$5,000
4	Storm Water Pollution Prevention	lump sum		$10,000	$10,000
5	Dust Control Pollution Prevention	lump sum		$8,000	$8,000
6	Worker Protection From Hazardous Materials	lump sum		$20,000	$20,000
7	Clearing and Grubbing	lump sum		$15,000	$15,000
8	Waste Removal	lump sum		$300,000	$300,000
9	Imported Fill	lump sum		$200,000	$200,000
10	Site Grading and Subgrade Prep	lump sum		$60,000	$60,000
11	Aggregate Base, Class 2	3,199	tons	$40	$127,960
12	Asphalt Concrete, Type A	520	tons	$100	$52,000
13	Concrete Curb and Gutter	630	ln ft	$20	$12,600
14	Parking Lot Concrete Sidewalk	4,740	sq ft	$5	$23,700
15	Striping and Curb Painting	lump sum		$6,000	$6,000
16	Restroom Facility	lump sum		$50,000	$50,000
17	Water Line	1,900	ln ft	$25	$47,500
18	Light Pole	4	ea	$8,000	$32,000
19	Landscaping	lump sum		$15,000	$15,000
20	Landscaping Irrigation	lump sum		$10,000	$10,000
21	90-Day Maintenance Period (Landscaping and Irrigation)	lump sum		$5,000	$5,000
22	Contractor's Pollution Liability Insurance	lump sum		$10,000	$10,000
23	Supplemental Work	lump sum		$100,000	$100,000
24	Misc. Facilities and Operations	lump sum		$185,240	$185,240
				Subtotal Amount:	**$1,420,000**
				Contingencies (approx. 15%):	$213,000
				Total Construction Cost:	**$1,633,000**
1	Engineering & CM Costs	lump sum		$330,000	$330,000
2	Permits and Environmental Documentation	lump sum		$80,000	$80,000
3	Phase II Environmental Study	lump sum		$40,000	$40,000
4	Geotechnical Investigation	lump sum		$12,000	$12,000
				Total Design Cost:	**$462,000**
				TOTAL PROJECT COST:	**$2,095,000**

Table 6.4 Engineer's Opinion of Probable Construction Cost for Site 3

Item No.	Description	Quantity	Unit	Unit Cost	Extension
1	Mobilization	lump sum		$150,000	$150,000
2	Mediator	lump sum		$25,000	$25,000
3	Storm Water Pollution Prevention Plan (SWPPP) and Fugitive Dust Control Plan (FDCP) Preparation	lump sum		$5,000	$5,000
4	Storm Water Pollution Prevention	lump sum		$10,000	$10,000
5	Dust Control Pollution Prevention	lump sum		$8,000	$8,000
6	Worker Protection From Hazardous Materials	lump sum		$20,000	$20,000
7	Clearing and Grubbing	lump sum		$15,000	$15,000
8	Waste Removal	lump sum		$650,000	$650,000
9	Import Fill	lump sum		$450,000	$450,000
10	Site Grading and Subgrade Prep	lump sum		$60,000	$60,000
11	Aggregate Base, Class 2	3,054	tons	$40	$122,160
12	Asphalt Concrete, Type A	520	tons	$100	$52,000
13	Concrete Curb and Gutter	630	ln ft	$20	$12,600
14	Parking Lot Concrete Sidewalk	4,740	sq ft	$5	$23,700
15	Retaining Wall	240	ln ft	$645	$154,800
16	Striping and Curb Painting	lump sum		$6,000	$6,000
17	Restroom Facility	lump sum		$50,000	$50,000
18	Water Line	1,800	ln ft	$25	$45,000
19	Light Pole	4	ea	$8,000	$32,000
20	Landscaping	lump sum		$15,000	$15,000
21	Landscaping Irrigation	lump sum		$10,000	$10,000
22	90-Day Maintenance Period (Landscaping and Irrigation)	lump sum		$5,000	$5,000
23	Contractor's Pollution Liability Insurance	lump sum		$10,000	$10,000
24	Supplemental Work	lump sum		$100,000	$100,000
25	Misc. Facilities and Operations	lump sum		$304,740	$304,740
				Subtotal Amount:	**$2,336,000**
				Contingencies (approx. 15%):	$350,000
				Total Construction Cost:	**$2,686,000**
1	Engineering & CM Costs	lump sum		$540,000	$540,000
2	Permits and Environmental Documentation	lump sum		$60,000	$60,000
3	Phase II Environmental Study	lump sum		$40,000	$40,000
4	Geotechnical Investigation	lump sum		$15,000	$15,000
				Total Design Cost:	**$655,000**
				TOTAL PROJECT COST:	**$3,341,000**

Table 6.5 Engineer's Opinion of Probable Construction Cost for Site 4

Item No.	Description	Quantity	Unit	Unit Cost	Extension
1	Mobilization	lump sum		$150,000	$150,000
2	Mediator	lump sum		$25,000	$25,000
3	Storm Water Pollution Prevention Plan (SWPPP) and Fugitive Dust Control Plan (FDCP) Preparation	lump sum		$5,000	$5,000
4	Storm Water Pollution Prevention	lump sum		$10,000	$10,000
5	Dust Control Pollution Prevention	lump sum		$8,000	$8,000
6	Worker Protection From Hazardous Materials	lump sum		$10,000	$10,000
7	Clearing and Grubbing	lump sum		$15,000	$15,000
8	Waste Removal	lump sum		$600,000	$600,000
9	Import Fill	lump sum		$415,000	$415,000
10	Site Grading and Subgrade Prep	lump sum		$60,000	$60,000
11	Aggregate Base, Class 2	2,140	tons	$40	$85,580
12	Asphalt Concrete, Type A	520	tons	$100	$52,000
13	Concrete Curb and Gutter	630	ln ft	$20	$12,600
14	Parking Lot Concrete Sidewalk	4,740	sq ft	$5	$23,700
15	Striping and Curb Painting	lump sum		$8,000	$8,000
16	Pedestrian Trail	8,000	sq ft	$5	$43,000
17	Pedestrian Trail Rip-Rap	1,500	cu yd	$140	$210,000
18	Restroom Facility	lump sum		$50,000	$50,000
	Water Line	350	ln ft	$25	$8,750
19	Light Pole	4	ea	$8,000	$32,000
20	Landscaping	lump sum		$15,000	$15,000
21	Landscaping Irrigation	lump sum		$10,000	$10,000
22	90-Day Maintenance Period (Landscaping and Irrigation)	lump sum		$5,000	$5,000
23	Contractor's Pollution Liability Insurance	lump sum		$10,000	$10,000
24	Supplemental Work	lump sum		$100,000	$100,000
25	Misc. Facilities and Operations	lump sum		$294,370	$294,370
				Subtotal Amount:	**$2,256,000**
				Contingencies (approx. 15%):	$338,000
				Total Construction Cost:	**$2,594,000**
1	Engineering & CM Costs	lump sum		$520,000	$520,000
2	Permits and Environmental Documentation	lump sum		$60,000	$60,000
3	Phase II Environmental Study	lump sum		$40,000	$40,000
4	Geotechnical Investigation	lump sum		$12,000	$12,000
				Total Design Cost:	**$632,000**
				TOTAL PROJECT COST:	**$3,226,000**

CHAPTER 7
RECOMMENDATIONS

7.1 Site Selection

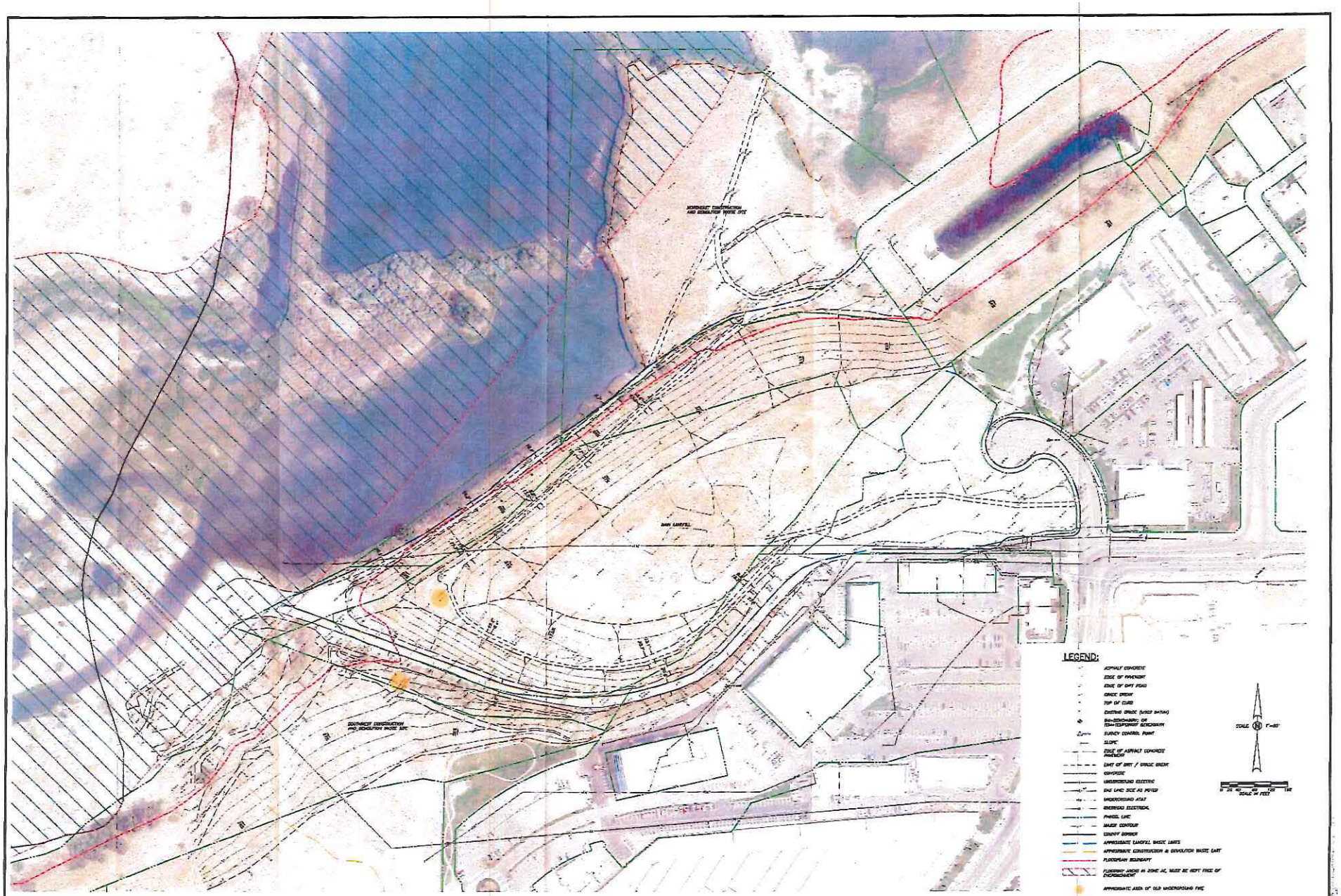
The feasibility study investigated four locations near Palm and Nees Avenues to identify a future location for a public road and parking lot that would provide access to the San Joaquin River. A combination of Site 2 and Site 3 would be the preferred location since it would be the most economical, have the smallest impact on existing waste, and it has a low probability of being delayed by overseeing agencies. The area between Site 2 and Site 3 is relatively flat and at the toe of the bluff. Some site grading will be necessary to elevate the future parking lot above the base flood elevation so that the flood lines can be redrawn. The proposed roadway would be in the same location as the existing outmost road which has the potential to limit the amount of site disturbance. The Site 2 and Site 3 combination parking lot provides convenient river access to the public and emergency personnel. The estimated design and construction cost for Site 2 and Site 3 are $2,095,000 and $3,341,000 respectively. The cost to develop Site 3 is substantially larger because the proposed parking lot is on top of the existing bluff slope. If the site is located near the bluff slope toe, sizeable waste removal along with extensive retaining walls will not be necessary. The combination site is expected to cost the same amount as what is estimated for Site 2.

The issues involved with Site 1 include being within the 100 year flood zone, acquiring access to the site, and site grading. It is recommended to stay away from building an access road within route 1 since landfills tend to settle over time, landfill fires are a possibility as seen in the 1990s, the existing landfill face slopes may be a safety issue for incoming and outgoing traffic, and there is an increased risk of discovering undesirable landfill materials during construction. Route 2 will require a substantial amount of fill to accommodate the construction of a 24 foot wide road along the existing bluff adjacent to Spano Park which increased the construction cost considerably. Net soil increase is not allowed in the flood zone creating construction challenges for both routes since the site is known to be comprised of C&D waste which may be difficult to grade. The estimated cost for design and construction of Site 1 Route 1 and Site 1 Route 2 are $2,348,000 and $2,587,000 respectively.

Site 4 would be an excellent option for the parking lot and access road since the material on the Richter Site has been clearly identified, but convenient access to the river is not achieved easily. An ADA ramp would need to be constructed down the bluff face which does not provided convenience for the public or emergency personnel. The estimated cost to construct the access road and parking lot on Site 4 is $3,226,000.

APPENDIX A

Site Investigation and Survey Map



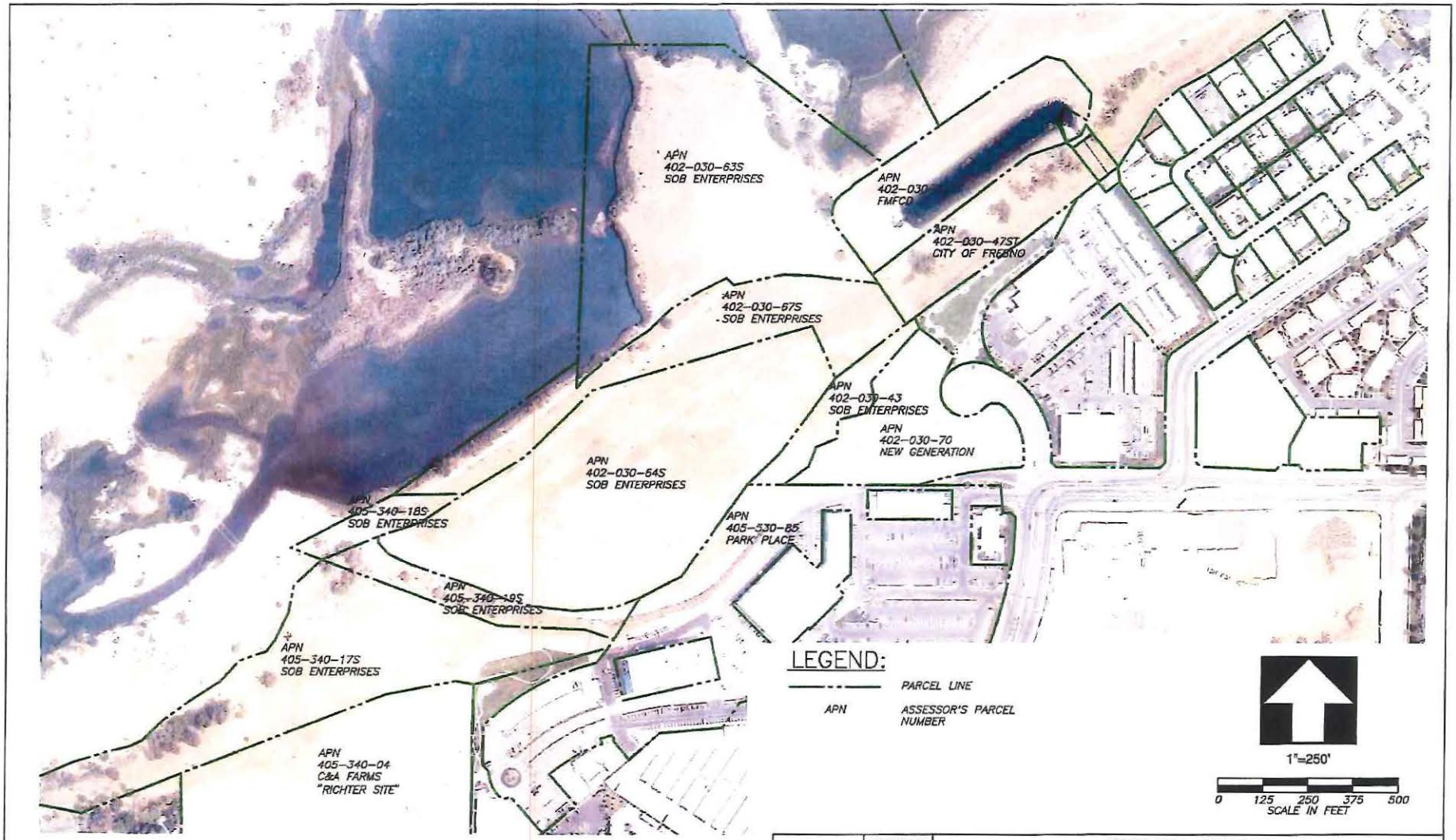
Blair, Church Flynn
CONSULTING ENGINEERS

PALM BLUFF RIVER ACCESS
SITE INVESTIGATION AND SURVEY
SITE MAP

1 - 1

APPENDIX D

Access Road and Parking Lot Site Alternatives



Blair, Church & Flynn
CONSULTING ENGINEERS

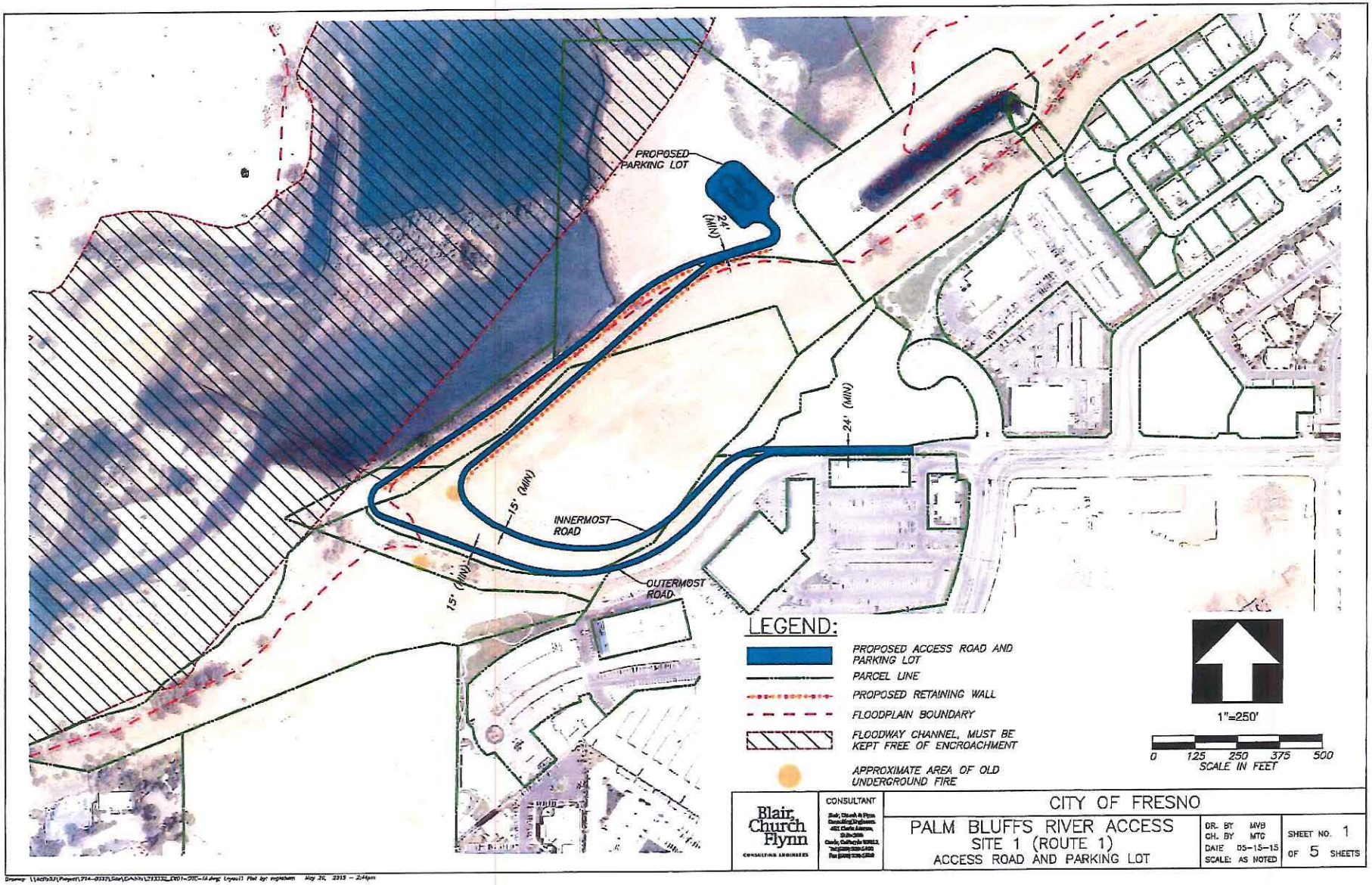
CONSULTANT

CITY OF FRESNO

PALM BLUFFS RIVER ACCESS
MAP OF EXISTING PARCELS

DR. BY MVB
CH. BY MTC
DATE 05-17-15
SCALE: AS NOTED

SHEET NO. 1
OF 1 SHEETS



Blair, Church Flynn
CONSULTING ENGINEERS

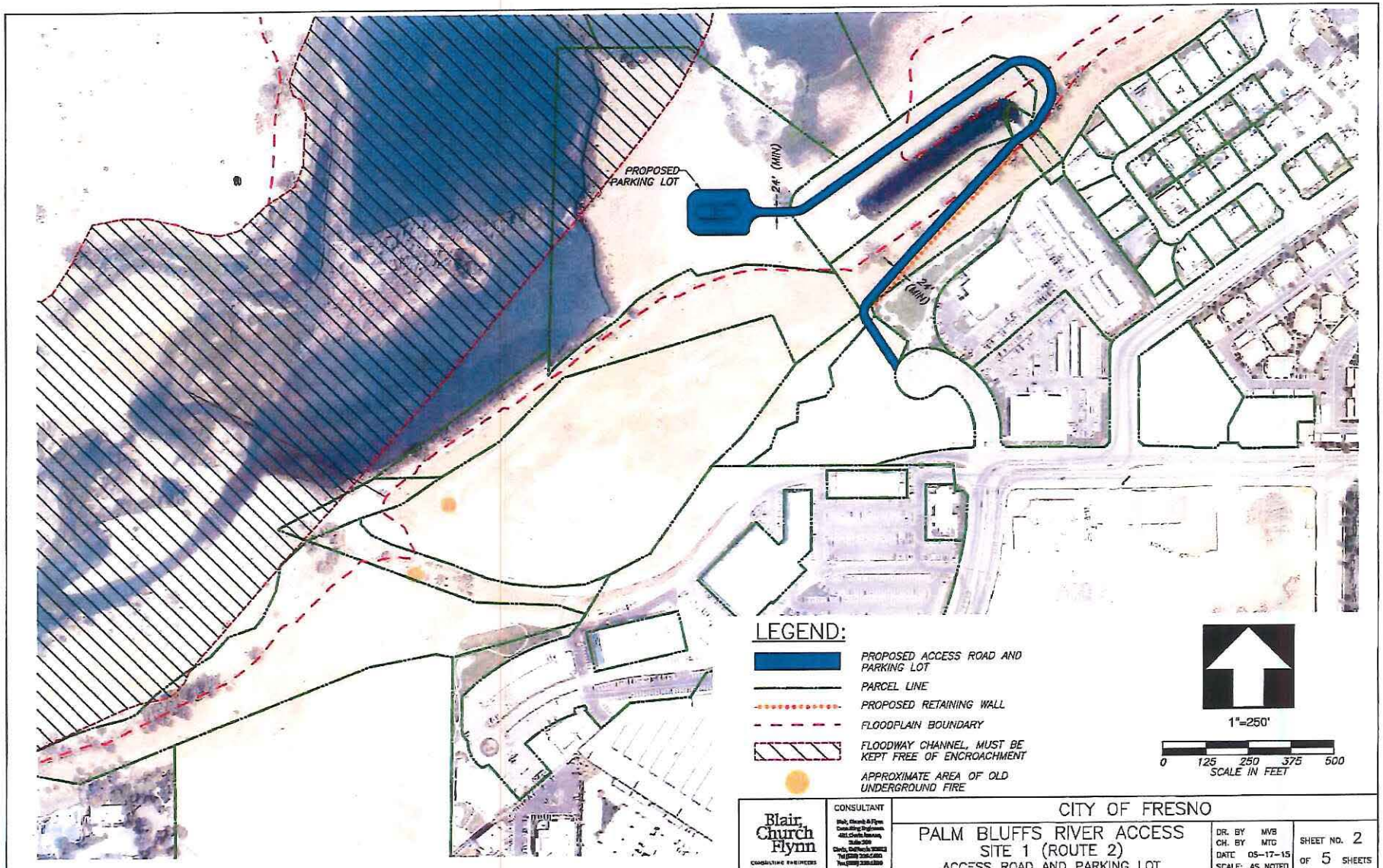
CONSULTANT

CITY OF FRESNO

PALM BLUFFS RIVER ACCESS
SITE 1 (ROUTE 1)
ACCESS ROAD AND PARKING LOT

DR. BY MVB
CH. BY MTC
DATE 05-15-15
SCALE: AS NOTED

SHEET NO. 1
OF 5 SHEETS



Blair, Church & Flynn CONSULTING ENGINEERS

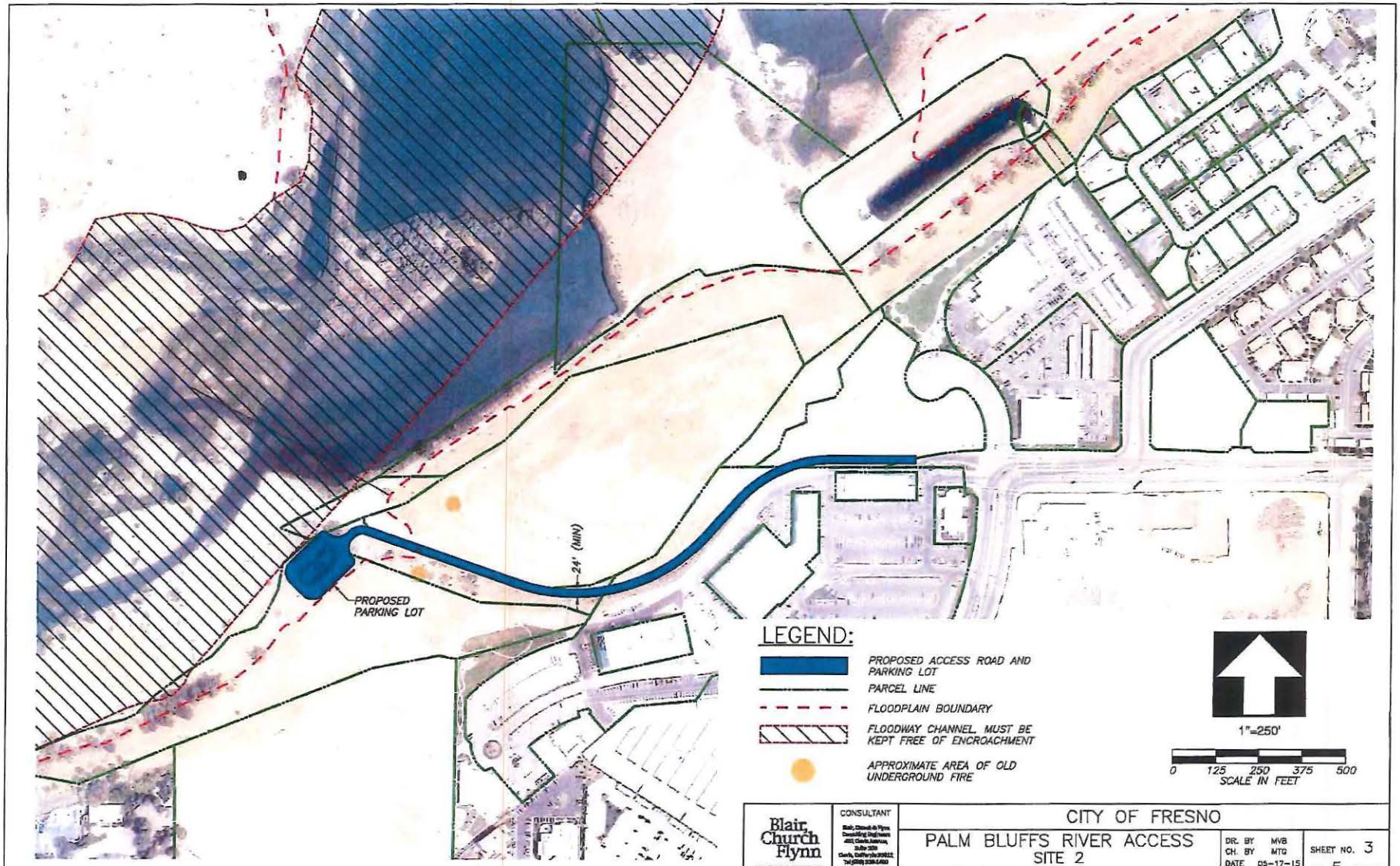
CONSULTANT

CITY OF FRESNO

PALM BLUFFS RIVER ACCESS
SITE 1 (ROUTE 2)
ACCESS ROAD AND PARKING LOT

DR. BY MVB
CH. BY MTG
DATE 05-17-15
SCALE: AS NOTED

SHEET NO. 2 OF 5 SHEETS



Blair, Church Flynn
CONSULTING ENGINEERS

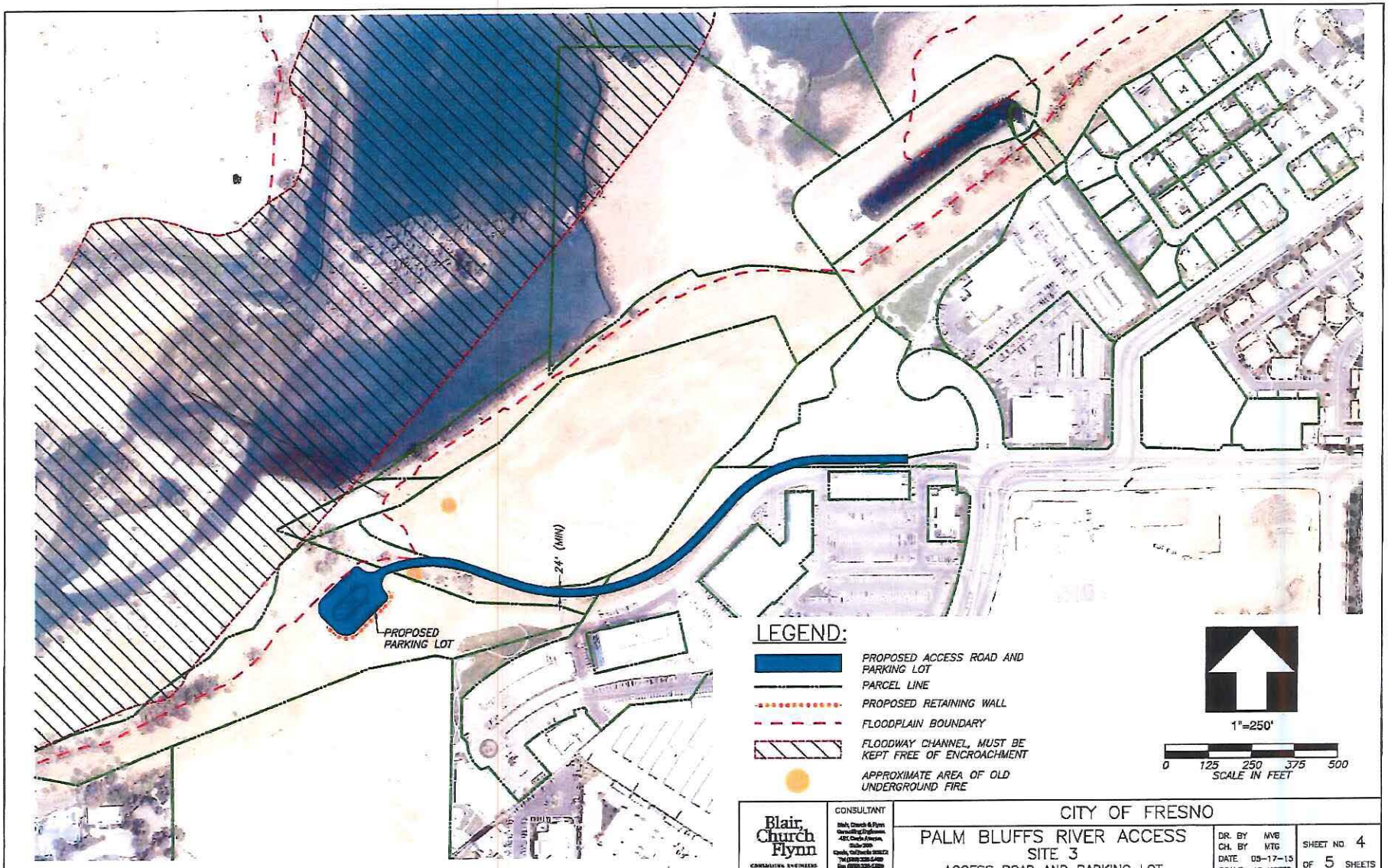
CONSULTANT

CITY OF FRESNO

PALM BLUFFS RIVER ACCESS
SITE 2
ACCESS ROAD AND PARKING LOT

DR. BY MVB
CH. BY MTG
DATE 05-17-15
SCALE: AS NOTED

SHEET NO. 3
OF 5 SHEETS



Blair, Church Flynn
CONSULTING ENGINEERS

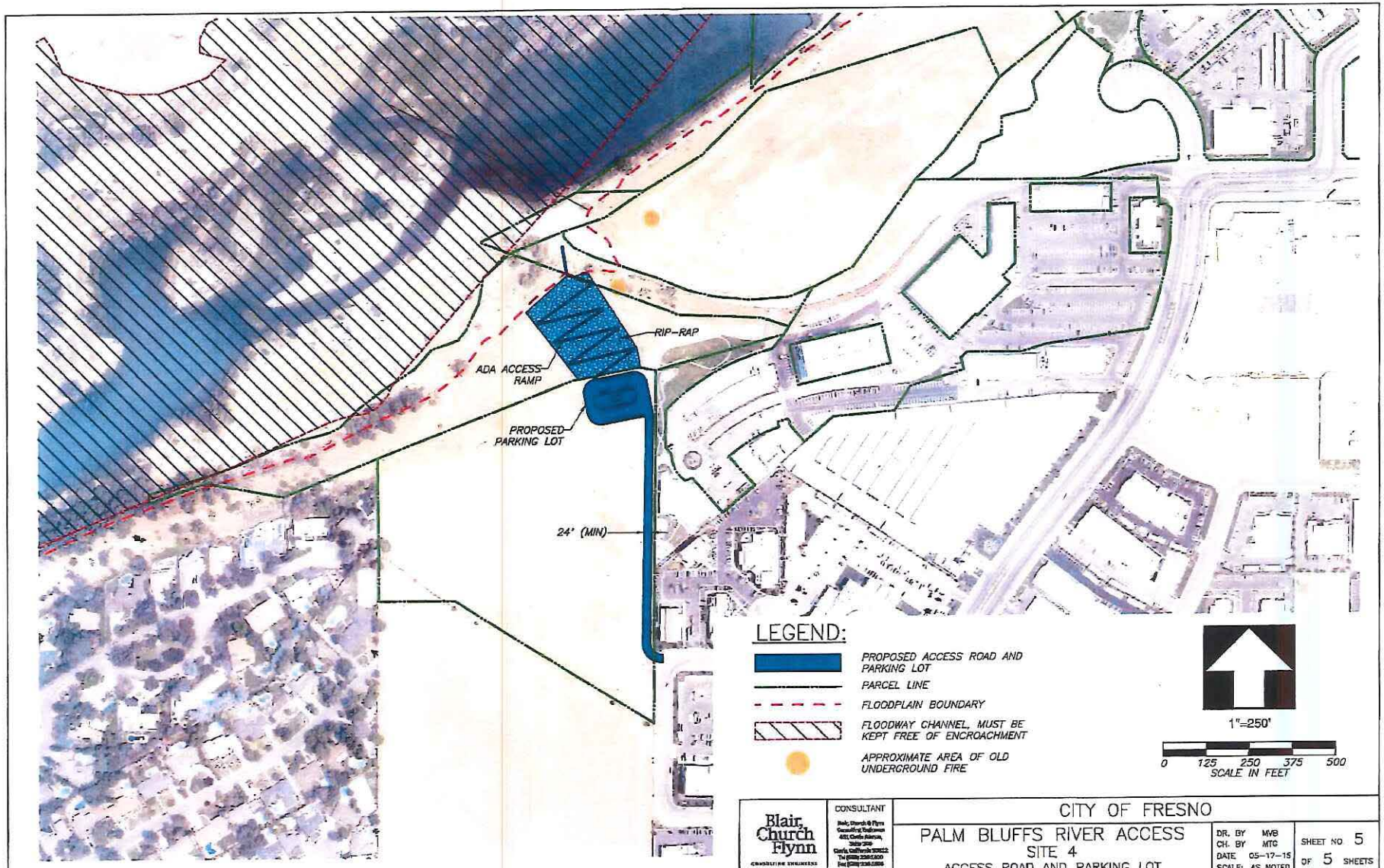
CONSULTANT

CITY OF FRESNO

PALM BLUFFS RIVER ACCESS
SITE 3
ACCESS ROAD AND PARKING LOT

DR. BY MVB
CH. BY MTG
DATE 05-17-15
SCALE: AS NOTED

SHEET NO. 4
OF 5 SHEETS



Blair, Church & Flynn CONSULTING ENGINEERS

CONSULTANT

CITY OF FRESNO

PALM BLUFFS RIVER ACCESS
SITE 4
ACCESS ROAD AND PARKING LOT

DR. BY MVB
CH. BY MTG
DATE 05-17-15
SCALE: AS NOTED

SHEET NO 5
OF 5 SHEETS

APPENDIX B

Flood Insurance Rate Maps

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross-sections and interpolated between cross-sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The projection used in the preparation of this map was California State Plane, Zone III. The horizontal datum was NAD83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey, SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit their website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from multiple sources. This information was compiled from the U.S. Geological Survey, 1998 and 1999; California Department of Forestry, 2004; National Geodetic Survey, 2001; and Madera County Road Department, 2007. Additional information was photogrammetrically compiled at a scale of 1:12,000 from U.S. Geological Survey aerial photography dated 1994 to 1998.

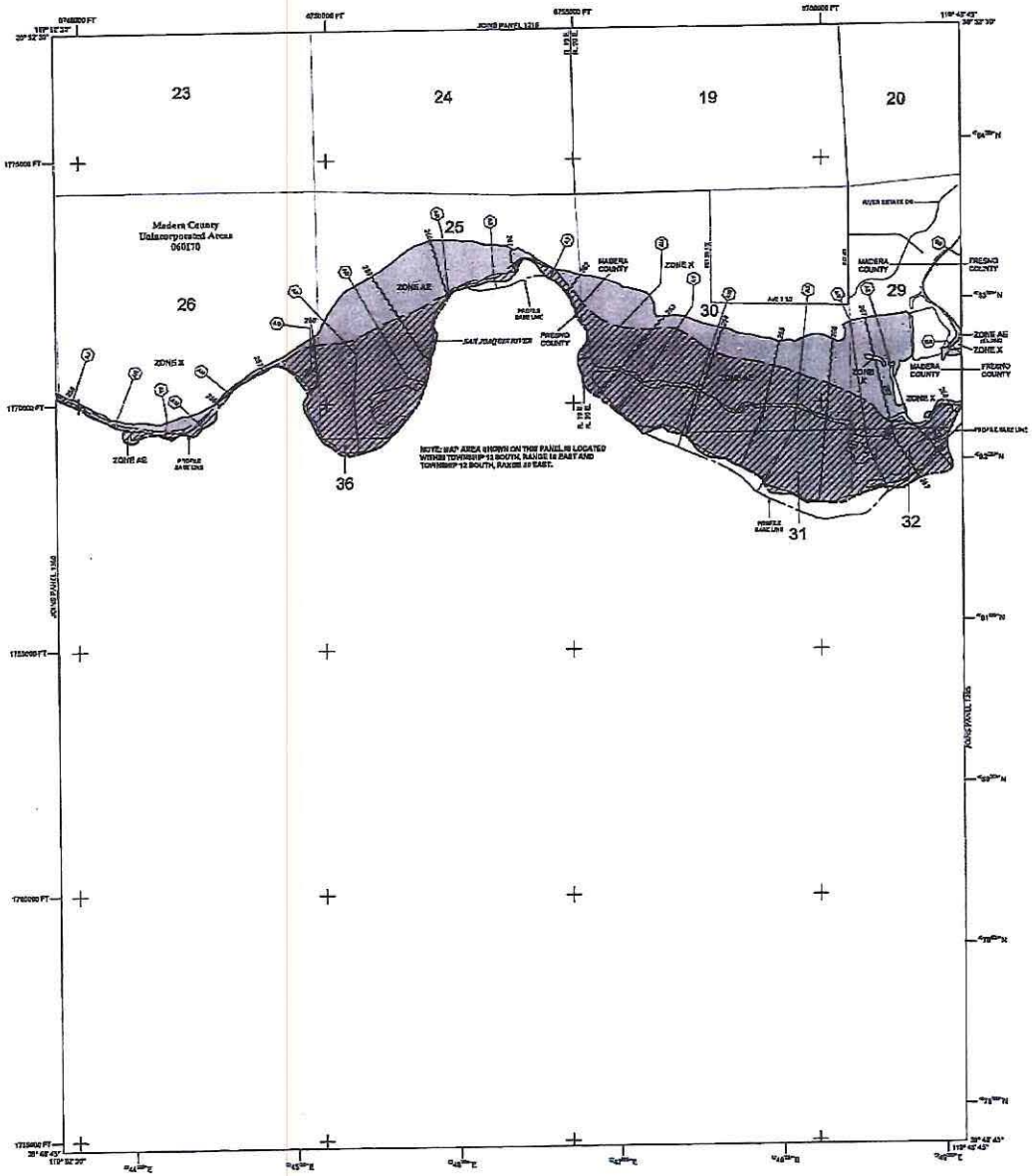
This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://www.msc.fema.gov.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at http://www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is one that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A — No Base Flood Elevations determined.
- ZONE AE — Base Flood Elevations determined.
- ZONE AH — Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO — Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE A99 — Special Flood Hazard Area formerly protected from the 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V — Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE — Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREA IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

- ZONE X — Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

- ZONE X — Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D — Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- 513 — Base Flood Elevation line and value; elevation in feet*
- (EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

- (A) — Cross section line
- (23) — Transect line

97° 30' 00", 32° 22' 30" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western hemisphere

- 5000-foot ticks: National Spatial Reference System (NSRS) projection tick values, zone 13
- 10000-foot ticks: California Spatial Reference System (CSRS) projection tick values, zone III (FIPS ZONE 0403), Lambert Conformal Conic projection
- DX5510 — Bench mark (see explanation in Notes to Users section of this FIRM panel)
- • M1.6 — River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
SEPTEMBER 26, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 1000'

PANEL 1380E

FIRM

FLOOD INSURANCE RATE MAP

MADERA COUNTY, CALIFORNIA AND INCORPORATED AREAS

PANEL 1380 OF 1385

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MADERA, COUNTY OF	060170	1380	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
06039C1380E

EFFECTIVE DATE
SEPTEMBER 26, 2008

Federal Emergency Management Agency

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross-sections and interpolated between cross-sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was California State Plane Zone IV (FIPS 4004). The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS13
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by Fresno County Public Land Survey System Information compiled from U.S. Geological Survey Digital Orthophoto Quadrangles produced at a scale of 1: (1:2400 from photography dated 1997 or later

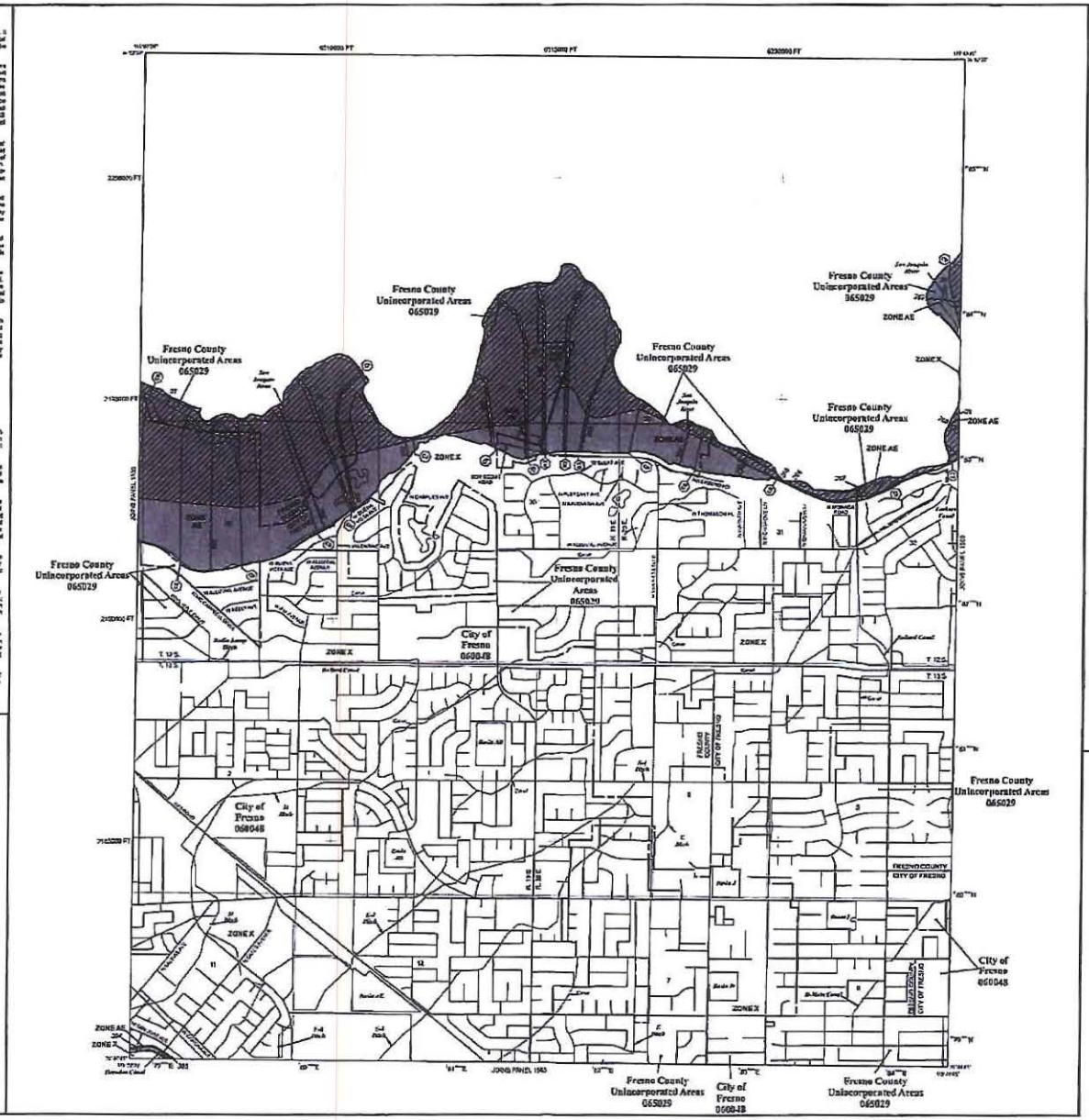
This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contain authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://www.fema.gov.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at http://www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

FLOODWAY AREAS IN ZONE AE

OTHER FLOOD AREAS

OTHER AREAS

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

MAP SCALE 1" = 1000'

PANEL 1555H

FIRM

FLOOD INSURANCE RATE MAP

FRESNO COUNTY, CALIFORNIA AND INCORPORATED AREAS

PANEL 1555 OF 3525

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
FRESNO COUNTY	065029	1555	H
CITY OF FRESNO	060048	1555	H

MAP NUMBER
06019C1555H

MAP REVISED
FEBRUARY 18, 2009

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0 North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was California State Plane zone IV (FIPS 4004). The horizontal datum was NAD 83, GRS80 ellipsoid. Differences in datum, ellipsoid, projection or State Plane zone used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on the FIRM was provided in digital format by Fresno County, Public Land Survey System information was derived from U.S. Geological Survey Digital Orthophoto Quadrangles produced at a scale of 1:12000 from photography dated 1997 or later.

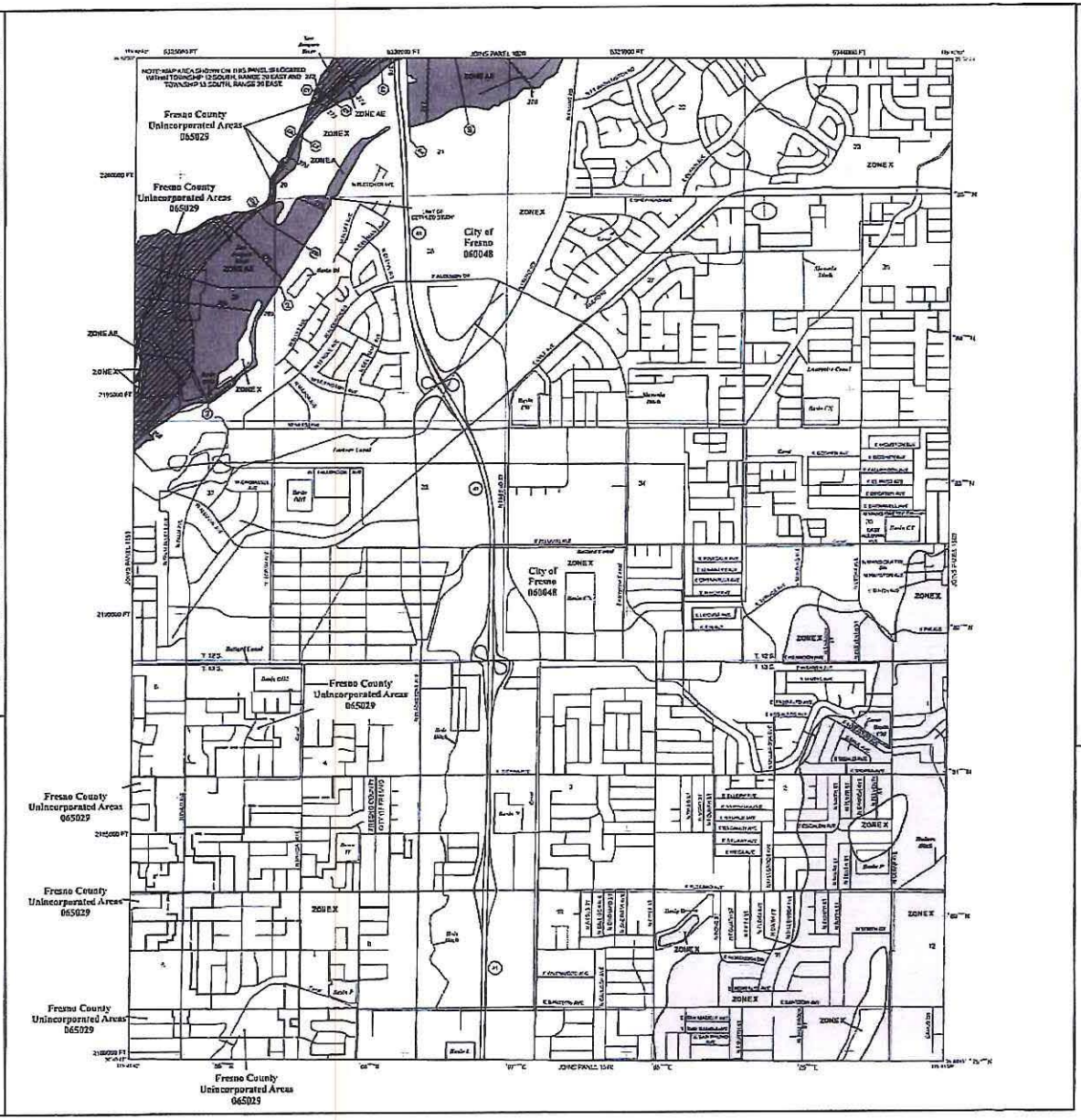
This map reflects more detailed and updated stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodways and floodplains that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a listing of Communities Participating in the National Flood Insurance Program (NFIP) and the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://www.fema.gov.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at http://www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A — No Base Flood Elevations determined.

ZONE AE — Base Flood Elevations determined.

ZONE AH — Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO — Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AR — Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

ZONE A99 — Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V — Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE — Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X — Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X — Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D — Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are generally identified with codes or notes adjacent to, but not within, the flood hazard area.

Floodway boundary

Zone D boundary

Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

Base Flood Elevation line and value; elevation in feet*

Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

Cross section line

Transect line

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere

1000-meter Universal Transverse Mercator grid values, zone 10

5000-foot grid ticks: California State Plane coordinate system, zone IV (FIPS zone 0404). Lambert Conformal Conic projection

DX510 — Bench mark (see explanation in Notes to Users section of this panel)

M5.5 — Bench mark

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
July 19, 2002

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 1000'

PANEL 1569M

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

FRESNO COUNTY, CALIFORNIA AND INCORPORATED AREAS

PANEL 1569 OF 3525

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FRESNO COUNTY UNINCORPORATED AREAS	065029	1569	M
FRESNO, CITY OF	060048	1569	M

MAP NUMBER
06019C1569M

MAP REVISED
FEBRUARY 18, 2009

Federal Emergency Management Agency

APPENDIX C

Map of Existing Parcels

San Joaquin River Parkway Master Plan Update: San Joaquin River Access Coalition's Comments on Draft EIR (State Clearinghouse No. 2013061035)

EXHIBIT "3"

ARTICLE 15 - SAN JOAQUIN RIVER AND BLUFF PROTECTION INITIATIVE

SEC. 10-1501. - TITLE.

This ordinance shall be known as the "San Joaquin River and Bluff Protection Initiative."

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-502. - PURPOSE.

The Council finds and declares that the San Joaquin River and southerly San Joaquin River Bluffs are a unique natural resource that must be protected and preserved for the enjoyment of, and appreciation by, present and future generations in the City of Fresno. The Council further finds and declares that the integrity of the natural landscape is threatened by pollution and damage caused by vehicular and pedestrian traffic and activities that are not consistent with conservation of these precious natural resources.

The Council further finds and declares that vegetation fires along the San Joaquin River and to the southerly San Joaquin River Bluffs are particularly difficult to contain due to the ample flammable vegetation and difficult terrain and pose a threat to occupied structures in the area.

The ordinance enacted below is deemed necessary for the protection of the general health, safety, and welfare of people and property on the southerly San Joaquin River Bluffs.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1503. - CONSTRUCTION WITH OTHER LAWS.

No provision of this article is intended to supersede or be in conflict with any federal regulation or any statute; rule or regulation of the state relating to the San Joaquin River or southerly San Joaquin River Bluffs, and in the event of any conflict between the provisions of this article and any such federal or state regulation, the provisions of this article so conflicting shall be deemed superseded by such statute, rule or regulation, and of no force or effect. Provided further, that other provisions of this article not so in conflict shall not be affected thereby and shall remain in full force and effect.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1504. - APPLICATION.

The prohibitions of Sections 10-1506 and 10-1507 shall apply to the territory of the City of Fresno located between the midpoint of the San Joaquin River and the southerly bluff edge as defined below and between Highway 99 and Highway 41.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1505. - DEFINITIONS.

(a) "Bluff" means the soil surface, substratum and area between the "Bluff Toe" and the "Bluff Edge" as defined in Section 12-105.B.9 of this Code.

(b) "Bluff Edge" means the first or southernmost point of tangency, within three hundred feet of the "Bluff Toe," or a ten per cent (10:1) slope line and the convex soil surface (or the break between slopes less than ten per cent and those greater than ten per cent) as defined in Section 12-105.B.10 of this Code.

(c) "Bluff Face" means that area between the "Bluff Edge" and "Bluff Toe" as defined in Section 12-105.B.11 of this Code.

(d) "Bluff Preservation Overlay District" is an overlying zoning district intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area as defined in Section 12-243 of this Code.

(e) Reserved.

(f) "Bluff Toe" means the point of tangency of a twenty per cent (5:1) slope line and the concave soil surface (or the break between slopes less than twenty per cent and those greater than twenty per cent) as defined in Section 12-105.B.13 of this Code.

(g) "Fireworks" shall have the same meaning as defined in Section 10-53302.3(d) of this Code.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1506. - VEHICULAR ACCESS.

(a) No person on public lands shall operate any motor vehicle, motorcycle, motor-driven cycle, minibike, or other vehicle by which any person or property may be propelled, moved, or drawn, excepting a vehicle or device moved by human power, below the bluff edge except upon roads designated for vehicular use.

(b) Exceptions.

(1) This section shall not apply to employees of a public agency engaged in the discharge of their duties;

(2) This section shall not apply to employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties;

(3) This section shall not apply to a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1507. - PROHIBITED ACTS.

The following acts are prohibited below the bluff edge:

(a) Overnight camping except with appropriate permits and approvals and in designated areas;

(b) Depositing, placing, throwing or in any manner disposing of any rubbish, trash, garbage, can, bottle, glass, wood, paper or any decaying or putrid matter of any kind whatsoever except in containers provided for such purpose;

(c) Lighting of any fires or open flames, including but not limited to cooking fires and barbecues, except in designated areas. This prohibition shall not apply to cooking fires, barbecues, or outdoor fireplaces upon any private property which is subject to the provisions of this Article;

(d) Possession or use of fireworks, notwithstanding the provisions of Section 10-53302.5(b);

(e) Entering, remaining or loitering between the following hours: 10:00 p.m. to sunrise from March through October; 6:00 p.m. to sunrise from November through February. This shall not apply to individuals whose private property is located below the bluff edge; individuals with appropriate permission or authorization to be on, or be in route to or from, private property located below the bluff edge; campers with appropriate permits and authorization; employees of a public agency in the discharge of their duties; or employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties.

(f) Discharging of firearms, bows, pellet guns, or paintball guns except in areas or facilities specifically designated for such activities.

(g) Removal of vegetation or excavation of any rock or stone except when part of an authorized management program, such as creation of defensible space pursuant to Section 10-1510, or with appropriate permits and approvals;

(h) Removal or disturbance of archaeological or cultural artifacts unless with appropriate permits and approvals;

(i) Removing, defacing, damaging or destroying any sign, gate, garbage can, or structure or facility which has been posted in accordance with the provisions of Section 10-1509.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1508. - PENALTIES AND ENFORCEMENT.

Failure to comply with the provisions of sections 10-1506 or 10-1507 shall be punishable as a misdemeanor.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1509. - POSTING.

The Chief Administrative Officer or his or her designee, as well as those having jurisdictional authority, shall have the authority to post and maintain appropriate signs at such locations as in the opinion of the Chief Administrative Officer or designee will give reasonable notice to the public of the provisions of this article.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1510. - DEFENSIBLE SPACE REQUIREMENTS.

(a) **Definitions.** For the purposes of this section, the following definitions shall apply:

(1) "Aerial Fuel" means all live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs, cones, snags, moss and high brush. Examples of aerial fuel include trees and large bushes.

(2) "Defensible space" is the area within the perimeter of a parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. Defensible space can be created by removing dead vegetation, separating fuels, and pruning lower limbs.

(3) "Firebreak" means an area of land within thirty (30) feet of an occupied dwelling and structure in which dangerous accumulation of flammable vegetation or other combustible growth has been removed and cleared away. The creation of a firebreak shall not require the removal of single specimens of trees or other vegetation that is well pruned and maintained so as to effectively

manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure.

(4) "Flammable and combustible vegetation" means any fuel.

(5) "Fuel" means live or dead vegetative material which is combustible during normal summer weather. This does not include fences, decks, woodpiles, or trash.

(6) "Horizontal Clearance" means the distance between aerial fuels, such as the outside edge of tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.

(7) "Surface Fuel" means loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones and small branches that have not yet decayed enough to lost their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

(8) Reserved.

(9) "Vertical Clearance" means the distance between lower limbs of aerial fuels and the nearest surface fuels and grass or weeds. Vertical clearance helps prevent fire from moving from shorter fuels to taller fuels.

(b) **Application.** The requirements of this section shall apply to the following parcels:

(1) Parcels located in the territory of the City of Fresno between the midpoint of the San Joaquin River and the southerly bluff edge between Highway 99 and Highway 41;

(2) Parcels located within the Bluff Preservation Overlay District which abut the bluff edge.

(c) **Defensible Space Requirement.** Any person, corporation or other entity owning, leasing, occupying or directly controlling or having charge of any property subject to this article shall comply with the following standards for maintaining defensible space with respect to the area surrounding any inhabited dwellings and structures from April 15 through September 30 of each year as follows:

(1) Maintain a firebreak by removing and clearing away dangerous accumulation of flammable vegetation and other combustible growth within thirty (30) feet of each inhabited dwelling and structure. This requirement does not apply to endangered, rare, or threatened plant species that are found within thirty (30) feet of an inhabited dwelling and structure. Single specimens of trees or other vegetation may be retained provided they are well spaced, well pruned, maintained in a live condition and create a condition that avoids the spread of fire to other vegetation or to a building or structure. Grass four (4) inches or shorter in height may be retained where necessary to prevent erosion or when isolated from other fuels.

(d) **Failure to Maintain Defensible Space.** It is unlawful and a public nuisance for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property subject to this article to maintain the following conditions on said property which endanger the public safety by creating a fire hazard:

(1) A dangerous accumulation of flammable vegetation or combustible growth located within thirty (30) feet of an occupied dwelling and structure which prevents the creation of a firebreak and endangers public safety by creating a fire hazard; or

(2) Brush or other flammable material within ten feet of a propane tank.

(3) A dangerous accumulation of dry grass, dead or decayed trees, weeds, brush or leaves, needles, or other dead vegetative growth located adjacent to any occupied dwelling or structure such that it endangers public safety by creating a fire hazard.

(e) No person shall be required to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon, remove vegetation or damage property that is owned by another person without the consent of that person.

(f) The provisions of Section 10-1510(c) and (d) shall not apply to land or water area that are acquired or managed for one or more of the following purposes or uses:

(1) Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government;

(2) Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities;

(3) Open space lands that are environmentally sensitive parklands;

(4) Other lands having scenic values, as declared by the local agency or by state or federal law;

(5) Cultivated agricultural land or land used for animal grazing.

(g) **Enforcement.** This section shall be enforced pursuant to the provisions of Chapter 10, Article 6 relating to abatement of public nuisances.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

SEC. 10-1511. - PROGRESS REVIEW.

A review of the effectiveness of this ordinance shall be conducted after one (1) year, or at any time deemed necessary by the City Council. The City Council may direct staff to provide any information necessary for evaluating the effectiveness of this ordinance.

(Added Ord. 2010-11, § 1, eff. 10-12-10).

San Joaquin River Parkway Master Plan Update: San Joaquin River Access Coalition's Comments on Draft EIR (State Clearinghouse No. 2013061035)

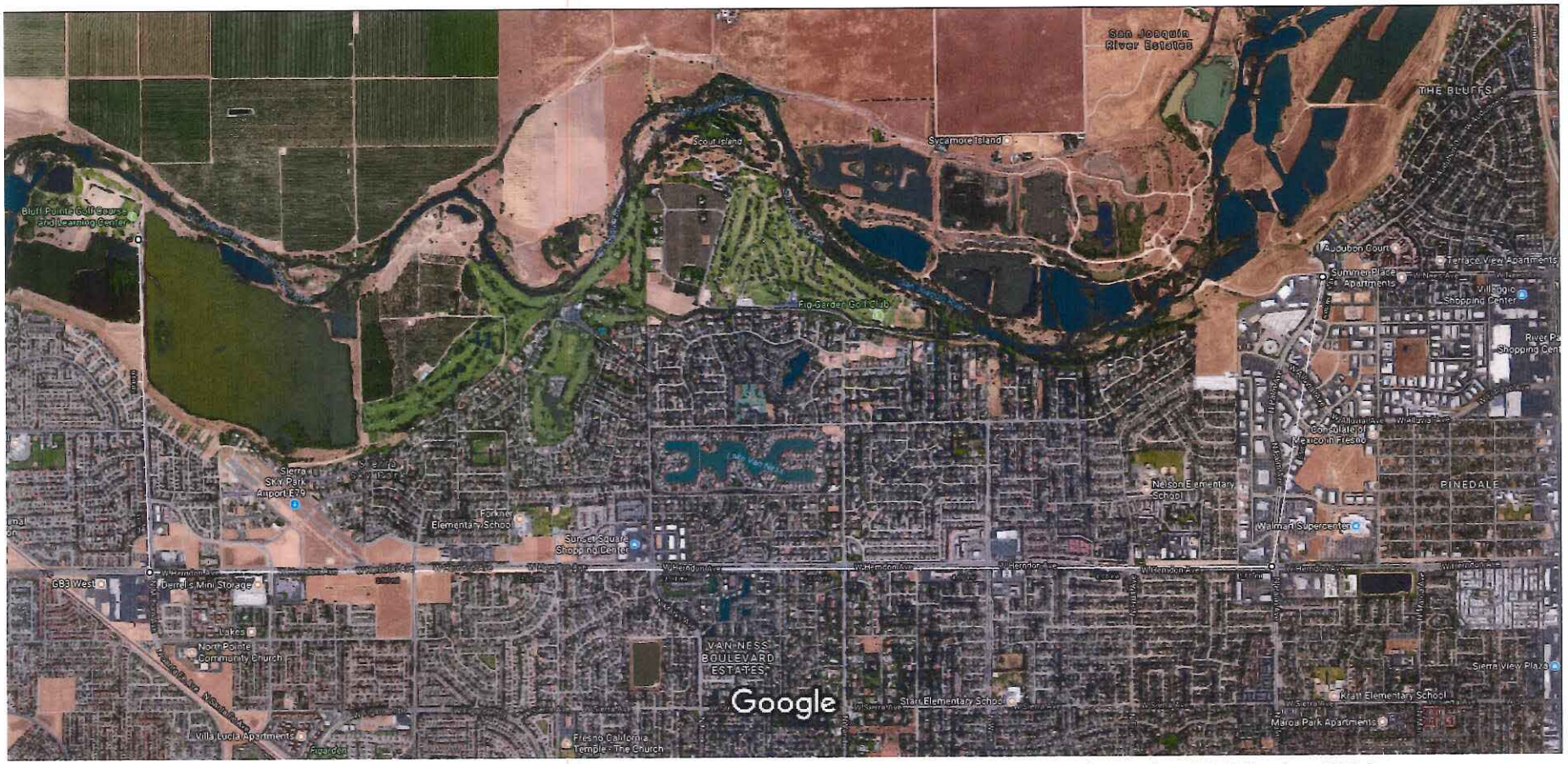
EXHIBIT "4"

Google Maps

Measure distance

Total distance: 6.10 mi (9.82 km)

Google Maps



Imagery ©2017 Google, Map data ©2017 Google 1000 ft

Measure distance

Total distance: 6.10 mi (9.82 km)

June 29, 2017

Melinda Marks, Executive Officer
San Joaquin River Conservancy
5469 E. Olive Avenue, Fresno CA 93727

Re: Comment on the Update of the San Joaquin River Parkway Master Plan and the Accompanying Draft EIR

Dear Ms. Marks:

This comment letter focuses on a single word appearing many times in the draft update of the San Joaquin River Parkway Master Plan (**Plan**) and in the Draft EIR. The word is "***corridor***."

The purpose of this comment letter is twofold: (1) to focus attention on a shortcoming in the Plan with respect to the use of this word and (2) to demonstrate how correcting this fault will not only lead to a better understanding of the Plan but will also provide better environmental protections for the Plan Area.

In both the Plan and in the Draft EIR, the word ***corridor*** is used in reference to everything from water courses to wildlife passageways. Excluded from this comment letter are references in the Plan and Draft EIR to transportation corridors such as rail corridors, automobile corridors and pedestrian corridors (i.e., public trails). This letter focuses primarily on corridors related to the river, to animal life and to plant life.

The Plan's Executive Summary opens with a statement that the Plan envisions a "***contiguous and continuous wildlife habitat and movement corridor***" within the Parkway, which covers "*22 miles of* ***river corridor*** *including the floodplain and adjacent bluffs*."

Further into the Plan, beginning on page 2-11, is a section defining fifteen key terms used in the Plan. The word "***corridor***" is not among the terms defined. In fact, nowhere in the Plan is there a definition of any of the named corridors: "***Parkway corridor***," "***trail corridor***," "***river corridor***," "***habitat corridor***," "***riparian corridor,***" "***floodplain corridor***" and "***wildlife movement corridor***." As will be explained on subsequent pages, the brief description of the ***continuous riparian/wildlife corridor*** found in Policies HABITAT.31 and BUFFER.2, namely, a corridor "***with a minimum width of 200 feet upland from the ordinary low water mark***" does not encompass the extent of wildlife movement within the Plan Area. **B04-01**

Of the 28 figures in the Plan and of the 48 figures in the Draft EIR showing features of the Parkway and its environs, not one is devoted to depicting any of the corridors listed above – with the possible exception of "***Parkway corridor***," if the word ***corridor*** means ***Plan Area*** *and with the exception of* "***trail corridor***," if the word ***corridor*** means ***alignment***. Otherwise there are no figures showing the location or the boundaries of a ***river corridor***, ***habitat corridor***, ***riparian corridor***, ***floodplain corridor*** or ***wildlife movement corridor***.

The word ***corridor*** is missing from the Plan's vision statement. It is found, however, in the first of the Plan's eight fundamental goals – Goal FG.1, which reads, "***Preserve and restore a riparian and floodplain corridor of statewide and regional significance along the San Joaquin River from Friant Dam to the Highway 99.***"

As mentioned previously, the word ***corridor*** occurs numerous times in the set of documents circulated for public review. It is found in secondary Parkway goals, in Plan policies, in the Plan narrative, and in the Draft EIR. On the following page is a list of phrases from the Plan and accompanying Draft EIR that contain the word ***corridor***. The word is more often written as a singular noun, but sometimes it is written as a plural noun.

List of Phrases from the Updated Parkway Master Plan and Accompanying Draft EIR That Contain the Word "*Corridor*"

The sample citations at the right were taken first from Plan goals and Plan policies and then secondarily from the Plan narrative and the Draft EIR.

Phrase	Sample Citation		Page
Planned Parkway ***corridor***	Plan	Narrative	4.15-30
Trail ***corridors***	Goal	ACCESS.4	6-14
Parkway trail ***corridor***	Policy	ACCESS.7	6-15
Eaton Trail ***corridor***	Plan	Narrative	3-1
Multi-use trail ***corridor***	Policy	BUFFER.4	6-20
Extra-wide single ***corridor*** *trail*	Policy	ACCESS.22	6-16
River ***corridor***	Plan	Narrative	2-1
San Joaquin River ***corridor***	DEIR	Bio Resources	4.4-8
Biological ***corridor***	DIER	Bio Resources	4.4-91
Habitat ***corridors***	DEIR	Appendix A	9
Wildlife habitat and ***corridors***	Policy	HABITAT.36	6-8
Continuous ***corridor*** *of wildlife habitat*	Plan	Narrative	8-6
Riparian ***corridor***	Policy	BUFFER.10	6-22
Riparian ***corridors***	Goal	BUFFER.2	6-20
Riparian and floodplain ***corridor***	Goal	FG.1	6-3
Native riparian and upland habitat ***corridor***	DEIR	Bio Resources	5-2
Wildlife ***corridor***	Policy	BUFFER.16	6-23
Wildlife ***corridors***	Policy	HABITAT.7	6-5
Wildlife/riparian ***corridors***	Policy	BUFFER 15	6-22
River wildlife ***corridor***	Policy	BUFFER.15	6-22
Continuous wildlife ***corridor***	Policy	HABITAT.3	6-5
Continuous riparian/wildlife ***corridor***	Policy	BUFFER.2	6-20
Continuous ***corridor*** *of riparian vegetation*	Policy	HABITAT.24	6-7
Wildlife movement ***corridor***	Policy	HABITAT.4	6-5
Wildlife movement ***corridors***	Policy	AIR.3	6-11
Continuous wildlife movement ***corridor***	Policy	HABITAT.31	6-7
Contiguous and continuous wildlife habitat and movement ***corridors***	Plan	Narrative	2-3

As demonstrated above, the word ***corridor*** is found in many contexts throughout the Plan and Draft EIR.

This comment letter will focus first on how the word ***corridor*** is used in the Updated Parkway Master Plan, and it will conclude with a discussion of how the word is used in the Draft EIR.

B04-01 cont.

Use of the Word "*Corridor*" in the Updated Parkway Master Plan

The word ***corridor*** appears in the goals and policies of the following Plan sections:

- Habitat Conservation and Management
- Mineral Resource
- Air Resources, Climate Change Adaption, and Sequestration
- Public Access and Recreation
- Buffer Zones and Adjacent Land Uses
- Operations, Management, and Implementation.

Half of the time, the word ***corridor*** refers to ***wildlife corridor(s)***, a quarter of the time to ***riparian corridor(s)***.

The large number of goals and policies that refer to ***wildlife and riparian corridors*** attests to the fact that the Conservancy is striving to do the following: (Enabling goals and policies are shown at the right.)

- Acquire land with high riparian and wildlife values
- Preserve, enhance and restore riparian and wildlife areas already managed by the Conservancy
- Encourage local land use agencies to protect riparian and wildlife areas within the Plan Area.

1. Acquire Additional Land for the Parkway

The Plan calls for the acquisition of lands within the Plan Area sufficient to facilitate connectivity for a ***continuous wildlife movement corridor*** along the river that will allow for the movement of large mammals between habitat areas, provide a variety of nesting and foraging areas and enhance and protect aquatic habitats.

Goal OPER.1.
Policy OPER.1
Policy OPER.3
Policy HABITAT.3

2. Enhance Existing Riparian and Wildlife Areas

The Plan calls for the reestablishment and preservation of a ***continuous corridor of riparian vegetation*** on both sides of the river to provide for the movement and migration of wildlife, as well as the restoration and improvement of in-stream shaded habitat. More specifically, it calls for the enhancement of habitat, biodiversity and regional habitat linkages by restoring and maintaining native vegetation within riparian and wetland areas, woodland and grassland habitats, natural reserves, open spaces and ***wildlife corridors***, including support for an adjacent ***wildlife movement corridor*** from the Parkway to Little Table Mountain.

Goal FG.1
Policy HABITAT.4
Policy HABITAT.7
Policy HABITAT.24
Policy HABITAT.31
Policy HABITAT.36
Policy AIR.3

The Plan also calls for the protection of habitat and ***riparian corridors*** by precluding lighting in the vicinity of the ***wildlife corridor***, by avoiding the development of significant recreational facilities within the ***riparian corridor*** or within existing riparian woodlands and by providing a buffer of 150 feet between the ***riparian corridor*** (or the edge of existing riparian habitat) and the primary Parkway multi-use trail and more intensive Parkway recreational facilities.

Goal BUFFER.2
Policy BUFFER.10
Policy BUFFER.12
Policy BUFFER.16

3. Encourage Local Land Use Agencies to Protect the Plan Area

The Plan calls for the encouragement of local land use agencies, when making land use decisions, to require buffer zones for the protection of wildlife habitat in natural reserves and ***wildlife/riparian corridors***, to protect existing riparian woodlands and to enhance or complement the revegetation of the ***river wildlife corridor***.

Policy MINERAL.2
Policy BUFFER.15

B04-01 cont.

The Plan is ambitious and complex. It aims to provide low-impact recreational and educational uses and, at the same time, reestablish, enhance and manage a ***continuous riparian/wildlife corridor*** that enhances biodiversity within riverine, wetland, woodland and grassland habitats and provides connectivity among ***wildlife corridors***.

The Plan's objectives are admirable, but there's a palpable problem which could hinder or prevent successful implementation. Simply put: The Plan fails to define or map the ***riparian corridors*** and ***wildlife corridors*** it is seeking to reestablish, enhance and protect.

This may seem a minor problem, but it's not. Consider, for example, the following Plan policies and goals – both general and specific – related to the establishment, enhancement and protection of ***riparian corridors*** and ***wildlife corridors***.

Riparian Corridors

Goal BUFFER.2 calls for combining "*buffers, design, and management measures to adequately reduce and mitigate potential impacts from Parkway recreational uses on habitat,* ***riparian corridors*** and neighboring uses." Question: To achieve this goal, is it not necessary to define these corridors and/or to generate maps showing their locations?

B04-01 cont.

And shouldn't such definitions and corridor maps include, as well, descriptions or depictions of regions within the Plan Area that are currently without riparian vegetation? Several Plan policies call for reestablishing riparian vegetation where it no long exists. For example, Policy HABITAT.24 reads, "*Reestablish...a* ***continuous corridor of riparian vegetation*** *on both sides of the river to provide for the movement and migration of wildlife*...." Without adequate definitions and corridor maps in the Parkway Plan identifying areas to be restored, conflicts are likely to arise as public facilities are considered for areas where riparian vegetation is currently absent but where it should be reestablished.

Wildlife Corridors

The same situation holds true with respect to ***wildlife corridors***. Policy HABITAT.7 calls for the restoration, enhancement and maintenance of ***wildlife corridors***. Question: Where are these ***wildlife corridors***?

How can the Parkway Plan restore, enhance and protect ***wildlife corridors*** that it neither defines nor maps? This lack of information is sure to create problems. For example, how will it be possible to effectively administer Policy BUFFER.16, which reads, "*With the exception of public safety, preclude lighting in the vicinity of the* ***wildlife corridor***?" How will it be possible to preclude lighting in the vicinity of a ***wildlife corridor*** if its location is unknown?

Use of the Word "*Corridor*" in the Draft EIR

With respect to the enhancement and protection of flora and fauna within the Parkway, the word ***corridor*** appears multiple times in each of these sections of the Draft EIR:

- 1 Executive Summary
- 3 Project Description
- 4.1 Aesthetics
- 4.4 Biological Resources
- 4.9 Hydrology and Water Quality
- 4.10 Land Use and Planning
- Appendix A NOP & Initial Study
- Appendix C San Joaquin River Parkway Master Plan Update.

The Biological Resources section of the Draft EIR (4.4) poses the following six questions:

Would future development under the proposed Plan...

1. Result in significant direct or indirect adverse impacts on special-status plants and animals?
2. Result in significant direct or indirect adverse impacts on sensitive natural communities?
3. Result in significant direct or indirect adverse impacts on federally protected wetlands?
4. Interfere with the movement of wildlife species, established wildlife corridors and nursery sites?
5. Conflict with any Habitat Conservation Plans / city or county specific plans, policies or regulations?
6. Result in significant cumulative impacts with respect to biological resources?

B04-01 cont.

This comment letter addresses only questions 2 and 4.

#2. The Analysis of Sensitive Natural Communities

The Draft EIR is a programmatic EIR. Because the extent of riparian restoration and the extent of facilities development are not well known at this time, the Draft EIR is unable to quantify the cumulative effect that full development of the Parkway Plan will have on riparian habitats.

As a result, the Draft EIR concludes that future development of Parkway facilities and future operation of low-impact recreational and educational uses within the Plan Area could adversely affect sensitive natural communities, possibly causing permanent loss of riparian vegetation.

To reduce potential impacts to a level of insignificance, the Draft EIR identifies two options. The Conservancy can either embrace the search for effective mitigation on a project-by-project basis through the implementation of Mitigation Measure BIO-2A or it can develop a Parkway-wide conservation strategy similar to that discussed in Appendix C of the Parkway Plan. The environmental analysis in the Draft EIR supports the first option, concluding that the Plan's goals, policies, design guidelines and best management practices (BMPs) – in concert with Mitigation Measure BIO-2A – are sufficient to avoid or minimize any short- and long-term adverse effects on sensitive natural communities. That said, the second option – the development of a comprehensive conservation strategy – may have the advantage of delivering environmental protections that are better coordinated and more consistent across individual Plan actions.

Developing the Parkway on a project-by-project basis may be a practical, but that method could inhibit an understanding of the multifaceted biological dynamics and interconnections among ***riparian and wildlife corridors*** within the Plan Area. (As for the word "***corridor***," it does not appear in the section of the Draft EIR analyzing the Plan's effects on sensitive natural communities.)

#4. The Analysis of the Movement of Wildlife, Established Wildlife Corridors and Nursery Sites

The Draft EIR concludes that "*future development under the proposed Plan would not interfere substantially with the movement of any...wildlife species, or with established...***wildlife corridors***, or impede the use of native wildlife nursery sites*.**"** As a result, no mitigation is required. (DEIR, 4.4-91)

That conclusion is based more on faith than on actual data or analysis. In this regard, the Draft EIR embraces a number of unexpressed assumptions. It assumes that ***wildlife corridors*** necessary to the environmental well-being of the Plan Area are not only established but that they are currently functioning at optimum levels. The Draft EIR also assumes that wildlife movement takes place primarily within ***riparian corridors***.

> "*Part of the Parkway Plan Area's high biological value lies in its function as a* ***biological corridor****, with the San Joaquin River and its associated riparian vegetation providing a connection between patches of undeveloped habitat both within and outside of the Parkway Plan Area.*" (DEIR, 4.4-91)

The Draft EIR provides a generic overview of the various ways that wildlife can move through various habitat types. It does not provide, however, any examples of site-specific ***wildlife movement corridors*** within the Plan Area. Nor does it discuss specific nursery sites.

The Draft EIR assumes that as long as Plan facilities are developed on relatively small, previously disturbed areas and as long as the Plan's goals, objectives, policies, design guidelines, and BMPs prevent riparian habitat from being fragmented, development of the Parkway will not adversely affect wildlife.

B04-01 cont.

Adequacy of the Updated Parkway Master Plan

Certain goals and policies in the Updated Parkway Master Plan directly refer to ***riparian and wildlife corridors***. They are these:

Goals: FG.1; Buffer.2; and OPER.1

Policies: HABITAT.3, 4, 7, 24, 31, 36; MINERAL.2; AIR.3; BUFFER,2, 10, 12, 15, 16; and OPER.1, 3

In this context, the Plan can be faulted for not defining the terms "***riparian corridor***" and "***wildlife corridor***." Furthermore, in much of the Plan, these two corridors are assumed to be "conterminous" – having identical locations, which they do not. These faults can be corrected by generating the necessary definitions and maps.

In attempting to define and map such *corridors,* Parkway planners will likely discover that the description of the ***riparian/wildlife corridor*** found in Policy BUFFER.2, namely, "*a continuous* ***riparian/wildlife corridor*** *throughout public Parkway lands with a minimum width of 200 feet upland from the ordinary low water mark*," is a relic from the early days of Parkway development and is no longer practicable or functional. It's important to recognize that, in some ways, the 200-foot minimum distance from the main channel of the river is arbitrary. For example, during times of high water when the river flows into riverbed channels that are normally dry, the ***riparian corridor*** expands to include those channels and the surrounding property.

Perhaps it's time to give ***wildlife corridors*** independent consideration in the Parkway Plan – or at least a greater degree of separation from the interest in ***riparian corridors***. Given scientists' increased understanding of "*species-richness, habitat-complexity relationships*," rather than focusing primarily on a narrow 22-mile long contiguous ***riparian corridor***, the Plan may want to pay equal attention to substantial tracts of terrestrial and aquatic regions within the Plan Area (greater in size than the Plan's ecological reserves) that contain a variety of herbaceous and arboreal habitats with a range of natural attributes that can support a generous diversity of wildlife – even if that may mean defining a particular ***wildlife corridor*** as extending from bluff top to bluff top.

Adequacy of the Draft Environmental Impact Report

The environmental analysis in the Draft EIR does not support the conclusion that "*future development under the proposed Plan would not interfere substantially with the movement of any...wildlife species, or with established...***wildlife corridors***, or impede the use of...wildlife nursery sites*." (DEIR, 4.4-91)

The Draft EIR does not define the term ***wildlife corridors***, nor does it describe the range of the types of ***wildlife corridors*** that exist within the Plan Area. As most people know, there are within the Plan Area the very narrow corridors used by beaver to move from one water feature to another. Mammals such as bobcats, coyotes and deer occupy more extensive corridors, as evidenced by the multitude of crisscrossing animal paths found in grasslands throughout the Plan Area. There are, as well, much less visible corridors, such as those used by western pond turtles. According to the California Department of Fish and Wildlife, "*Most western pond turtles travel a long distance (546 yards) to upland habitat to lay eggs and even farther sometimes to overwinter*." (https://cdfgnews.wordpress.com/tag/western-pond-turtle)

The Draft EIR does not map any known ***wildlife corridors***. And it does not describe the impact that the visiting public will have on the viability of these yet undefined and unmapped regions of the Plan Area. Although the Plan calls for siting "*primary and multi-use trails on the outside edges of habitat areas rather through the center of mature riparian stands or other high-value habitat*" (Habitat.19), the Plan acknowledges that wildlife also moves through and finds refuge in "*upland habitat areas.*" (Plan, 5-2) Most of the Parkway's trails will traverse these upland areas. Although the Draft EIR depicts miles of public trails, it does not show the location (actual or potential) of any ***wildlife corridors***.

B04-01 cont.

And although the Draft EIR provides detailed descriptions of types of habitat within the Plan Area, importantly, it does not describe how the various plant communities combine to form functional ***wildlife corridors.***

Despite a lack of clarity and the abridged environmental assessment of potential impacts to ***wildlife corridors***, the Draft EIR nonetheless concludes that future development under the proposed Plan will not substantially interfere with the movement of animal species within established ***wildlife corridors***.

This commenter acknowledges that the Draft EIR is a Program EIR and not a Project EIR and, therefore, that although the legally-required contents of a Program EIR are the same as those of a Project EIR, a Program EIR is typically more conceptual and contains a broader discussion of impacts, alternatives and mitigation measures than does a Project EIR. Nevertheless, a Program EIR must provide, to the extent possible, an environmental analysis of the full range of project impacts.

This Program EIR provides the only opportunity for a big-picture view of the effect that Parkway development could have on the overall viability of ***wildlife corridors*** throughout the Plan Area. Where are these ***wildlife corridors***? And what is the expected maximum exposure of these areas to encroachment by the visiting public? The same questions hold true for wildlife nursery sites.

It is the opinion of this commenter that the environmental analysis of the potential impact to ***riparian corridors*** is superior to that for ***wildlife corridors***. Were the Draft EIR to contain an equally robust analysis of potential impacts to ***wildlife corridors*** (Impact BIO-4), the Draft EIR would very likely arrive at a conclusion similar to that for ***riparian corridors*** (Impact BIO-3), namely, that impacts are potentially significant and require mitigation.

Therefore, the following additions to the Draft EIR are recommended:

- Definitions of, or descriptions of, the types of "***wildlife corridors***" that exist within the Plan Area
- Maps showing actual or likely locations of ***wildlife corridors***
  (The maps should help illustrate that ***wildlife corridors*** are not conterminous with ***riparian corridors***.)
- An assessment of the effect of the visiting public on ***wildlife corridors*** at full development of the Plan *****
- Appropriate mitigation to protect wildlife and ***wildlife corridors***, if found necessary after further analysis

B04-01 cont.

***** The Plan contains a "white paper" by H. T. Harvey and Associates recommending the development of a "conservation strategy" for the implementation of the Parkway Master Plan. Should the Conservancy opt to prepare such a strategy, the Conservancy may want to include a section devoted to strategies for protecting ***wildlife corridors*** from the maximum exposure of those areas by the visiting public, which effect has yet to be estimated.

Defining and illustrating ***wildlife movement corridors*** will strengthen overall understanding of the biological dynamics of the Plan area and will enable decision makers to make better choices regarding the protection of wildlife throughout the Parkway.

I thank you for the opportunity to comment on the Draft EIR for the update of the San Joaquin River Parkway Master Plan.

Sincerely,

Radley Reep
radleyreep@netzero.com
(559) 326-6227

COMMENT LETTER # B05

June 29, 2017

Melinda Marks, Executive Officer

San Joaquin River Parkway Conservancy

545 E. Olive Ave. Fresno, CA 93727

Re: Comments on Update of San Joaquin River Parkway Master Plan, Draft EIR

Dear Ms. Marks,

I appreciate the opportunity to comment. My comments are limited to Biological Resources, Appendix C, H.T. Harvey & Associates, Biological Resources Strategy White Paper, O&M Appendix B, Tool Box and three species updates. **B05-01**

Appendix C, Biological Resources, Animals, pg. 29 is an example of information that describes habitat and fauna in an insufficient, generalized, out of date manner and references other drainages. The maps are also out of date. There is mention of insect life, an essential food source for mammals, birds, reptiles and fish. Species of concern are discussed in much greater detail along with regulations for their protection. The species of concern are not going to thrive without a healthy ecosystem of plant and animal life living along the San Joaquin River Parkway. Up to date and comprehensive data is essential for conservation of all biological resources and proper planning of siting and use intensities related to trails and recreation facilities. Mitigation of these problems is necessary. **B05-02**

Appendix C, H.T. Harvey & Associates, Biological Resources Strategy White Paper, Section 6.0, pg. 28 first paragraph, states the value and necessity of a Conservation Strategy Plan and an Area Wide Inventory of Biological Resources. The White Paper goes on further to explain how resource conservation, agency concerns, project plans can benefit from a conservation strategy and an inventory of biological resources in terms of streamlining completion of the Parkway Plan. A conservation strategy and biological inventory can help mitigate the insufficient data and information currently in the Biological Resources section of the Draft EIR and later prevent a piece meal approach to implementation of the Parkway Plan. **B05-03**

Appendix B, O&M Funding Tool Box appears to be just that. It describes many kinds of funding options, but it fails to give any real direction as to how to move forward in a coherent manner. H.T. Harvey's Biological Resource White Paper recommendations related to a conservation strategy and an area wide inventory of biological resources could serve as a foundation for planning and implementing Parkway projects. The information from the conservation strategy and biological data could clarify and eliminate unexpected problems and costs related to build out of Parkway facilities and O&M. A plan to move forward is essential to mitigate the O&M Tool Box's lack of priorities and direction. **B05-04**

Finally, I want to update San Joaquin River Parkway plant and animal list by reporting the presence of a pair of nesting bald eagles, and a pair of nesting Swainson's hawks. Both nesting pairs produced fledged young. Also Sanford's Arrowhead, Sagittaria Sanfordii was found growing in a pond in the same general area as the nesting birds, upriver from Highway 41 and downriver from Lost Lake Park. All the sightings are documented.

B05-05

Thank you for your consideration of my comments.

Clary Creager

From: Barry [mailto:Barry@HerbBauerSportingGoods.com]
Sent: Friday, June 23, 2017 11:29 AM
To: Melinda Marks
Cc: John Kinsey; Kristine Walter; Richard Sloan
Subject: Fw: How Sacramento County supervisors blew it on parkway safety

Melinda,
The link to the article below should be of interest.
I haven't read it yet but Mark Standriff, City of Fresno, apparently has.
Please add this article to the SJR Master Plan DEIR comments due by June 30, 2017.
And, please incorporate this article as comments in the Fresno River West DEIR or during its re-circulation.
Barry Bauer

B06-01

----- Original Message -----
From: Mark Standriff
To: Kristine Walter ; Kristine and Riley Walter (rileywalter@W2LG.com) ; John P. Kinsey ; Pete Weber ; Steve Brandau ; Andreas Borgeas ; Barry Bauer ; Tim Orman
Sent: Friday, June 23, 2017 10:36 AM
Subject: RE: How Sacramento County supervisors blew it on parkway safety

It's about the growing homeless situation along the American River Parkway. It used to be a beautiful area, and I ran the trails there regularly – until crime reports became a concern.

Whatever our solution to the SJR Parkway, public safety has to be part of the funding.

My Best,
Mark Standriff
Director of Communications and Public Affairs
City of Fresno
O: 559.621.7930
C: 559.970.6254

Please note all emails are saved on a public server and may be eligible for public disclosure, except for protected and privileged communication.

From: Kristine Walter [mailto:kwalter@wheelhousestrategies.com]
Sent: Friday, June 23, 2017 10:12 AM
To: Kristine and Riley Walter (rileywalter@W2LG.com); John P. Kinsey; Pete Weber; Steve Brandau; Andreas Borgeas; Barry Bauer; Tim Orman; Mark Standriff
Subject: Fwd: How Sacramento County supervisors blew it on parkway safety

I have not read this yet. But it sounds interesting.
Sent from my iPhone

Begin forwarded message:

From: "laval.claudeiii@gmail.com" <laval.claudeiii@gmail.com>
Date: June 23, 2017 at 9:39:55 AM PDT
To: <kWalter@wheelhousestrategies.com>
Subject: How Sacramento County supervisors blew it on parkway safety

SOAPBOX

How Sacramento County supervisors blew it on parkway safety

BY STEPHEN GREEN
Special to The Bee

JUNE 21, 2017 12:00 PM
UPDATED JUNE 22, 2017 02:04 PM

According to Sacramento County, there are about 8 million visitors a year to the American River Parkway. Providing for their safety and security should be a priority for our county supervisors.

But a majority of the five-member board recently rejected Supervisor Phil Serna's proposal to deal with crime, violence and fires caused by homeless people camping along the parkway.

OPINION

Serna wanted to add 37 park rangers, maintenance workers and animal control officers. Along with existing staff, social service workers and county prosecutors, they would have made up six patrol teams to deal with illegal campers.

Serna's proposal came after a bicyclist on the parkway was hospitalized after being attacked by two off-leash dogs. Recently, three other bicyclists were hit with rocks by people they believed were homeless. Last December, the Sacramento Audubon Society's annual bird count in Discovery Park was canceled for the first time in 35 years because of previous encounters with homeless people and loose dogs.

In response to Serna's proposal, several supervisors expressed concern that evicting illegal campers from the parkway would send them into nearby neighborhoods. If those supervisors looked around, they would see that we already have homeless people in neighborhoods all along the parkway from Sacramento to Rancho Cordova, Carmichael, Fair Oaks, Orangevale and Folsom. There are also homeless people in Citrus Heights, Elk Grove, South Sacramento and the Pocket area. Some can be seen camping along the Cosumnes River near Rancho Murieta.

Supervisors did ask county staff to develop three plans that address illegal camping in the county at funding levels of $3 million, $4 million and $5 million. The county budget also allocates $6.2 million to house homeless people and connect them with social services.

Those are well-intended initiatives, but long overdue. We have a serious homeless problem in our region, and we should engage in a regional approach to deal with it.

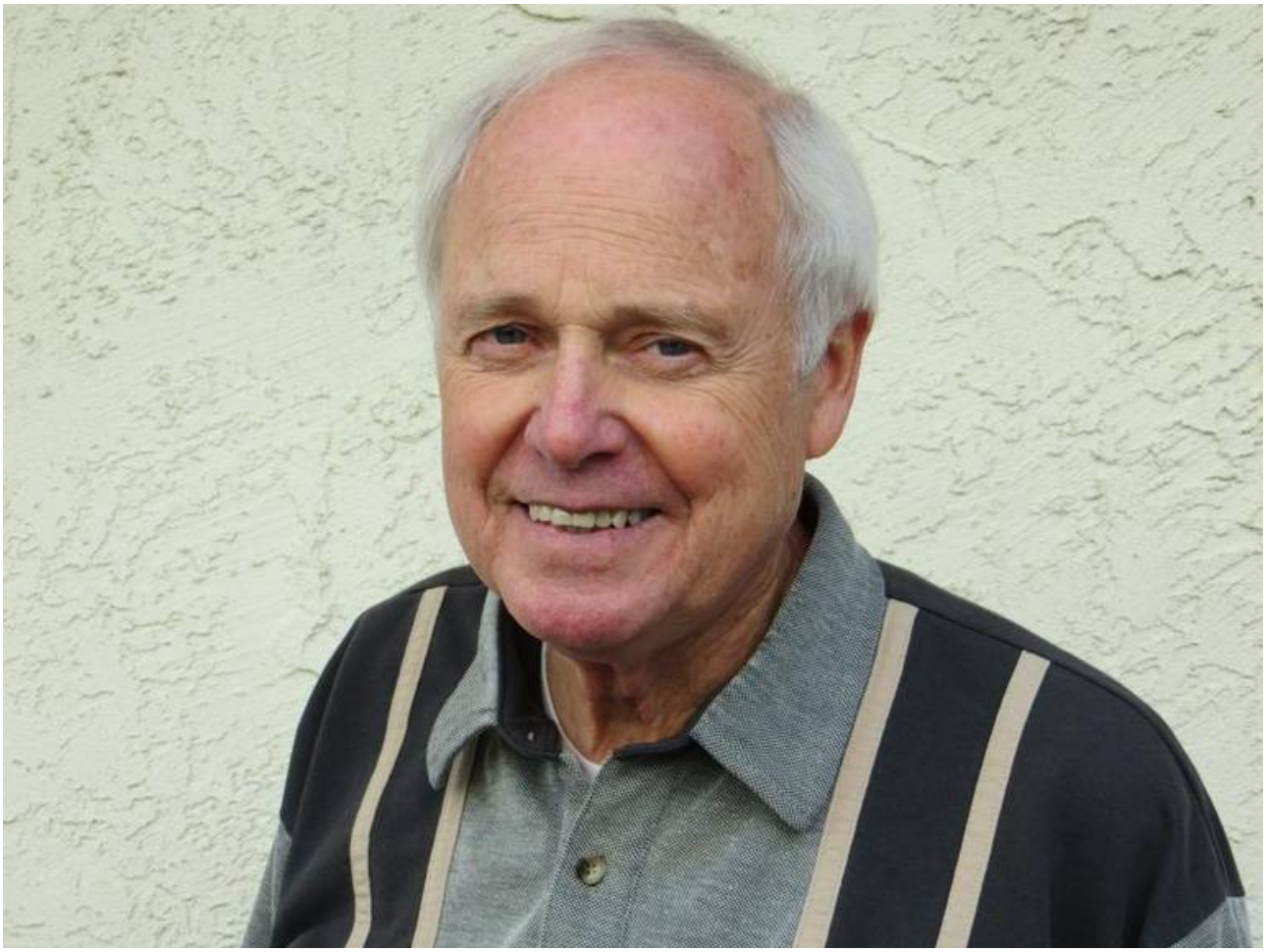
Sacramento County should be working in a coalition with cities on a comprehensive initiative to deal with homelessness. Supervisor Sue Frost correctly noted that many of the chronic homeless people are coping with mental illness. They should be taken off the streets and out of the parks, and put in a place where they can receive services.

In the meantime, supervisors should increase funding for the Regional Parks Department, which is understaffed and suffering from a high rate of turnover among park rangers.

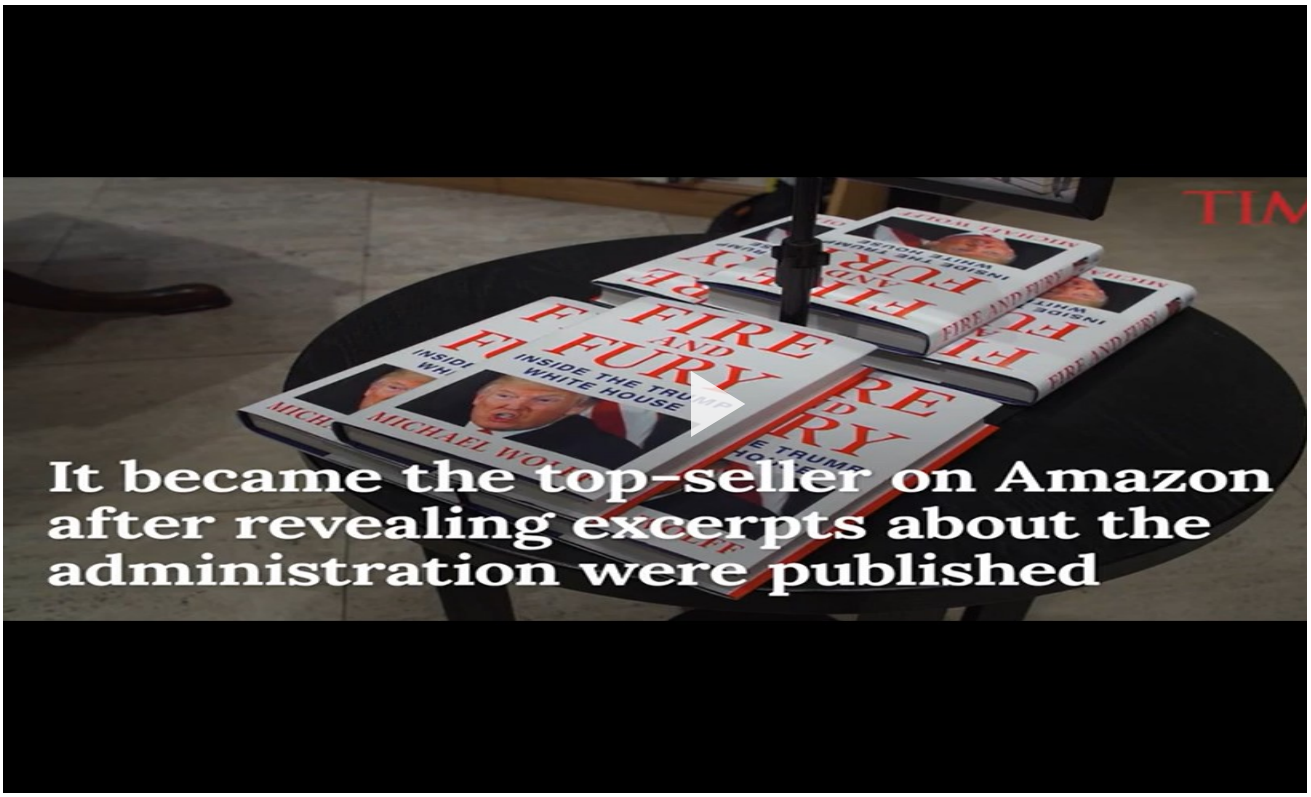
A survey several years ago found that rangers are paid at a rate 16 percent to 18 percent lower than law enforcement officers in similar jurisdictions. When there is an opportunity to move to a job that pays more, they take it. Some have even resigned to take another job while still in training for a ranger position.

Park rangers should receive the same pay and benefits that county deputy sheriffs receive. They are protecting people in our regional parks – parks that county officials call "our community's golden treasure."

Stephen Green is president of Save the American River Association. He can be contacted at gsg444@sbcglobal.net.



Stephen Green

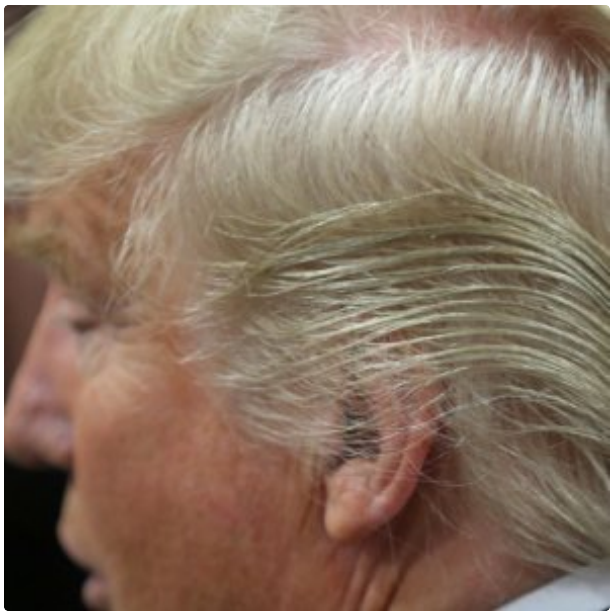


SUGGESTED FOR YOU

Jon Gruden Mocks Stephen A. Smith on His Way Out of ESPN

This Is What Carrie Underwood Looks Like After 40 Stitches

The Real Reason We Don't Hear About Paris Hilton Anymore



Donald Trump's Bizarre Hairdo Finally Explained

Sarah Palin Posts Image of Husband's Face After Son's Attack

Daredevil Falls to His Death From 62-Story Building

Messed Up Things Everyone Just Ignores About Giada De Laurentiis

Actors Who Were Repulsed By Co-Stars

COMMENTS

Sign In Using The Social Network of Your Choice to Comment

To learn more about comments, please see the Comments FAQ.

1 Comment Subscribe RSS

David Fields 196 days ago

“Supervisor Sue Frost correctly noted that many of the chronic homeless people are coping with mental illness. They should be taken off the streetsand out of the parks, and put in a place where they can receive services.”

However in a landmark decision for mental health law in 1975, an unanimous Supreme Court ruled that states cannot confine a non-dangerous individual who can survive on his own, or with help from family and friends.

So that means the only options are to forcibly evict them and let them cope elsewhere or just live with the ever increasing numbers seeing Sacramento as a safe and generous place to be.

Reply Share 1 0

Mobile & Apps

Facebook

Twitter

YouTube

ADVERTISING

Place a Classified Ad

Place a Legal Notice

Place a Digital Ad

Place a Newspaper Ad

Shopping

MORE

Copyright

Commenting Policy

Privacy Policy

Terms of Service

Hi,

I thought you'd like this:
http://sacb.ee/a9Lt

How Sacramento County supervisors blew it on parkway safety

Steve Noack

From: Melinda Marks <melinda.marks@sjrc.ca.gov>
Sent: Thursday, July 06, 2017 3:38 PM
To: Kyle Simpson
Subject: FW: NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SAN JOAQUIN RIVER PARKWAY MASTER PLAN UPDATE

Melinda S. Marks
Executive Officer
San Joaquin River Conservancy
5469 E. Olive, Fresno CA 93727
(559) 253-7324
Fax (559) 456-3194

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov

From: Phil Decker [mailto:hikesrus@aol.com]
Sent: Tuesday, May 09, 2017 11:55 AM
To: Melinda Marks
Subject: NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SAN JOAQUIN RIVER PARKWAY MASTER PLAN UPDATE

Melinda,
I'm writing you in reference to the above master plan update. In reviewing the transportation and traffic section (page 4.15-5), I noticed that the Fresno County Regional Bicycle and Recreational Trails Master Plan was no longer applicable as the county has updated this with a county ATP (Alternative Transportation Plan). This is also true for the City of Fresno Bicycle, Pedestrian, and Trails Master Plan which has been updated with an ATP. Thank you for your attention to this comment. Philip Decker.

B07-01

COMMENT LETTER # B08

Steve Noack

From: Melinda Marks <melinda.marks@sjrc.ca.gov>
Sent: Thursday, July 06, 2017 3:38 PM
To: Kyle Simpson
Subject: FW: San Joaquin River Parkway DEIR (Master Plan Update)

Melinda S. Marks
Executive Officer
San Joaquin River Conservancy
5469 E. Olive, Fresno CA 93727
(559) 253-7324
Fax (559) 456-3194

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov

-----Original Message-----
From: David Gjestson [mailto:davegjestson@comcast.net]
Sent: Wednesday, May 10, 2017 7:31 AM
To: Melinda Marks
Subject: San Joaquin River Parkway DEIR (Master Plan Update)

I am a retired Wisconsin wildlife biologist and program administrator who has drafted and reviewed numerous environmental impact documents and currently reside in Oakley, downstream from the proposed project. I was extremely impressed with the format and detailed review of the DEIR and endorse its findings wholeheartedly.

I believe the staff preparing the document has done an exemplary job of clearly identifying mitigated measures. I was personally pleased that the detail included a rarely identified measure to address dark sky concerns only recently surfacing as a legitimate conservation measure for those enjoying the star-lit skies of our planet without being obliterated by poorly placed security and safety lighting. Well done.

B08-01

Sincerely,
David L. Gjestson
18 Clare Court
Oakley, CA 94561

COMMENT LETTER # B09

Melinda Marks
Executive Officer
San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno CA 93727

Melinda.Marks@sjrc.ca.gov

Dear Ms. Marks,

This comment letter is related to setback policies of the current San Joaquin River Parkway Master Plan (SJRPMP) Update.

Virtually every major river in every large city has a multi-use trail along its banks for public enjoyment of their river amenity. The San Joaquin River and Fresno should be no exception. Fresno needs a multi-use trail "near and along" the river and the 2035 Fresno General Plan supports a public trail "near and along" the river, to the greatest extent possible.

Unfortunately, the proposed multi-use trail location in River West Fresno prevents most people including children in strollers and folks in wheelchairs from seeing the San Joaquin River. This is unsatisfactory and it's because of a defective SJRPMP policy.

B09-01

At this time, the River West Fresno FEIR plan calls for multi-use trail users to use "smaller trails" to access the river. The use of these "smaller trials" to access the river potentially disrupts habitat and negatively impacts access for those with limited mobility. These folks, with strollers and wheelchairs, may not be able navigate these smaller uneven, unpaved river access trails.

To mitigate this problem, the SJRPMP setback policies should be amended to allow pre-existing roads and pre-existing trials to be upgraded to multi-use trails within the setback policy.

If the SJRPMP policy is amended, multi-use trails can be located in the setback area and that would provide everyone, including those with limited mobility, the ability to see the San Joaquin River.

Respectfully submitted,

Barry Bauer
Rosemarie Bauer
242 West Bluff Avenue, Fresno, CA 93711
559-288-2115
Barry@HerbBauerSportingGoods.com